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International Convention for the Protection of All Persons from Enforced Disappearance

Report of the Secretary-General

Summary

In resolution 67/180, the General Assembly requested the Secretary-General to submit to it, at its sixty-eighth session, a report on the status of the International Convention for the Protection of All Persons from Enforced Disappearance and the implementation of the resolution. The present report is submitted in accordance with that request.

In a note verbale dated 24 April 2013, the Secretary-General invited Governments to transmit any information pertaining to the implementation of resolution 67/180. Replies have been received from the Governments of Argentina, Denmark, El Salvador, Finland, Greece, Guatemala, Lebanon, Maldives, Montenegro, Spain, Switzerland and Uruguay. Their responses are summarized in the present report.

The present report also includes information on the activities carried out in relation to the implementation of the resolution by the Secretary-General, the United Nations High Commissioner for Human Rights and her Office, the Committee on Enforced Disappearances, the Working Group on Enforced or Involuntary Disappearances and intergovernmental and non-governmental organizations.

* A/68/150.

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I. Introduction

1. In its resolution 67/180, on the International Convention for the Protection of All Persons from Enforced Disappearance, the General Assembly requested the Secretary-General to submit to it, at its sixty-eighth session, a report on the status of the Convention and the implementation of the resolution. The present report is submitted in accordance with that request.

2. On 24 April 2013, the Secretary-General invited Member States to transmit relevant information pertaining to the implementation of the resolution. As at 15 July 2013, replies were received from the Governments of Argentina, Denmark, El Salvador, Finland, Greece, Guatemala, Lebanon, Maldives, Montenegro, Spain, Switzerland and Uruguay. The Secretary-General also sent requests for information on the implementation of the resolution to specialized agencies, United Nations funds and programmes, and civil society organizations. The Secretary-General received submissions from the International Committee of the Red Cross, the International Coalition against Enforced Disappearances, Amnesty International and TRIAL (Swiss Association against Impunity). Their responses are summarized in the present report. The full text of the submissions is available on the website of the Office of the United Nations High Commissioner for Human Rights (OHCHR) at: http://www.ohchr.org/EN/HRBodies/CED/Pages/SGReports.aspx.

II. Status of ratification of the International Convention for the Protection of All Persons from Enforced Disappearance

3. As at 15 July 2013, 92 States have signed and 39 have ratified or acceded to the Convention; 15 States have recognized the competence of the Committee on Enforced Disappearances to receive and consider communications from or on behalf of individuals subject to its jurisdiction claiming to be victims of a violation by the State party of provisions of the Convention (article 31); and 16 States have recognized the competence of the Committee to receive and consider communications in which a State party claims that another State party is not fulfilling its obligations under the Convention (article 32). Updated information on the status of ratification of the Convention may be found in the annex to the present report.

III. Second meeting of States parties to the Convention

A. Election of five members of the Committee on Enforced Disappearances

4. In accordance with article 26, paragraph 3, of the Convention, the second meeting of States parties was convened by the Secretary-General on 28 May 2013 at United Nations Headquarters in New York to hold the election of 5 of the 10 members of the Committee on Enforced Disappearances. The meeting elected the following members: Mr. Mohammed Al-Obaidi (Iraq), Mr. Santiago Corcuera Cabezut (Mexico), Mr. Luciano Hazan (Argentina), Mr. Juan José López Ortega (Spain) and Mr. Kimio Yakushiji (Japan). The members assumed office on 1 July 2013.

B. Panel discussion on the implementation of the Convention: putting an end to enforced disappearance — progress and challenges

5. A panel discussion sponsored by Argentina, France and the Office of the United Nations High Commissioner for Human Rights, on the theme "Putting an end to enforced disappearances — progress and challenges", was conducted under agenda item 6. The aim of the panel discussion was to raise the visibility and promote the ratification of the Convention as well as to assess the challenges still faced by States in ratifying and implementing it.

IV. Replies received from States

6. Summaries of the replies of States relating to the implementation of resolution 67/180 are provided below.

Argentina

[Original: Spanish]
[18 June 2013]

Argentina ratified the Convention on 14 December 2007 and recognized the competence of the Committee to receive individual and inter-State petitions, pursuant to articles 31 and 32 respectively, on 11 June 2008. Argentina, together with France, has undertaken an active campaign to promote universal ratification of the Convention, including the acceptance of the full competence of the Committee. To this end, Argentina encourages States to ratify the Convention through the formulation of recommendations in the context of the universal periodic review as well as through its bilateral discussions with various States. Argentina has not requested any assistance relating to the Convention from United Nations organs or organizations.

Denmark

[Original: English]
[28 June 2013]

Denmark reported that it wishes to ratify the Convention and is currently examining the extent of legislative amendment to the Danish legislation required to meet the obligations under the Convention. Denmark will ratify the Convention when such amendments have been adopted and the Danish Parliament has given its consent. Denmark will consider the possibility of recognizing the competence of the Committee to receive individual and inter-State petitions, pursuant to articles 31 and 32 respectively, after having completed a study of the legal implications. The study is expected to be completed at the time of ratification of the Convention. Denmark has not requested or received assistance from the United Nations agencies and organizations in this regard.

El Salvador

[Original: Spanish]
[26 June 2013]

El Salvador replied that it accepted the recommendations from its universal periodic review in 2010 to ratify several human rights treaties. Following this commitment, in 2011 El Salvador started consultations within different governmental institutions and with civil society on the ratification of the Convention. The process of consultations ended in January 2013 and resulted in a positive advice from the Ministry of Foreign Affairs to the President of the Republic to present a draft law concerning the Convention to the Legislative Assembly. The Legislative Assembly received in April 2013 Executive Agreement No. 602-2013 of the President of the Republic to continue the process of ratification of the Convention.

Finland

[Original: English]
[13 June 2013]

Finland is planning to submit a Government Bill to the Parliament for ratification of the Convention so that it can enter into force for Finland in 2014, and is considering accepting the competence of the Committee to receive individual and inter-State petitions, pursuant respectively to articles 31 and 32 of the Convention.

Greece

[Original: English]
[6 June 2013]

Greece reported that the Ministry of Justice, Transparency and Human Rights is going to set up a law-drafting committee to elaborate a draft law ratifying the Convention.

Guatemala

[Original: Spanish]
[3 July 2013]

On 12 December 2007 the Executive Branch of Guatemala presented to the Congress of the Republic draft law 3736 recommending the ratification of the Convention: the draft law is currently pending in the Commission for Foreign Affairs at the Congress. The Guatemalan Coalition for the International Criminal Court, which includes the Presidential Commission for Government policy in human rights and the Ministry of Foreign Affairs, plans to hold meetings with representatives of the Congress in 2013 to promote the ratification of the Convention. Guatemala will consider recognizing the competence of the Committee to receive individual and inter-State petitions, pursuant respectively to articles 31 and 32 of the Convention. Guatemala received technical assistance from OHCHR in Guatemala in the context of the Guatemalan Coalition for the International Criminal

Court and the Guatemalan Commission for the Implementation of International Humanitarian Law.

Lebanon

[Original: Arabic]
[13 May 2013]

Lebanon responded that the Ministry of Justice had prepared a project aimed at creating an Independent National Commission on Enforced Disappeared and Missing Persons. The project was presented to the Council of Ministers for approval and it was agreed upon with some modifications. The amended text was sent again to the Council of Ministers, after consultations with non-governmental organizations, but because of the resignation of the Government its approval has been delayed. Once a new Government is formed, the project will be presented again.

Maldives

[Original: English]
[29 April 2013]

The Republic of Maldives reported that the Government has received the consent and confirmation of the Attorney-General's Office and the Ministry of Finance and Treasury to proceed with the ratification of the Convention. According to article 93 of the Constitution, all international legal instruments, treaties and conventions must receive the approval of the People's Majlis (Parliament) for the Government to ratify. The Government of Maldives is in the process of submitting the motion to Parliament, on or around 28 June 2013. The Government stated that it will recognize the competence of the Committee to receive individual and inter-State petitions, pursuant respectively to articles 31 and 32 of the Convention, once the Parliament approves the ratification of the Convention and once it comes into force in the Republic of Maldives. The Government has not yet requested any assistance and did not receive any assistance from the Secretary-General, the United Nations High Commissioner for Human Rights, United Nations agencies and organizations, intergovernmental organizations, non-governmental organizations or the Working Group on Enforced or Involuntary Disappearances. However, it is currently looking into areas where assistance might be required, especially in enacting domestic legislation, raising awareness and conducting programmes for relevant stakeholders.

Montenegro

[Original: English]
[21 May 2013]

Montenegro replied that it ratified the Convention on 22 June 2011 and accepted the competence of the Committee to receive individual and inter-State petitions, pursuant respectively to articles 31 and 32 of the Convention. Montenegro is currently drafting the report on the implementation of the Convention which will be submitted to the Committee within the prescribed deadline. Montenegro stated that its Constitution already includes several articles relevant to the implementation

of the Convention, such as article 17 on international agreements; articles 24 and 25 on regulated limitations of rights and freedoms during a state of war or emergency; article 28 on inviolability of the person and prohibition of torture; article 29 on individual liberty; articles 30 and 31 which regulate detention and criminal proceedings; article 37 on the right to defence; and article 56 on the right of recourse to international organizations for the protection of personal rights and freedoms. The Criminal Code of Montenegro also stipulates the criminal offences of unlawful deprivation of liberty (article 162), abduction (article 164) and coercion (article 165) and a series of crimes against humanity (articles 426 to 449a). The Criminal Procedure Code and the Law on the Execution of Criminal Sanctions also include provisions for the protection of human rights and fundamental freedoms.

Spain

[Original: Spanish]
[22 May 2013]

Spain ratified the Convention on 14 July 2009 and accepted the competence of the Committee to receive individual and inter-State petitions, pursuant respectively to articles 31 and 32 of the Convention, on 5 January 2011. It submitted its report on the implementation of the Convention to the Committee on 26 December 2012. The Government of Spain has always collaborated, as solicited, with the Working Group on Enforced or Involuntary Disappearances and will receive a visit of the Working Group in September 2013.

Switzerland

[Original: French]
[6 June 2013]

Switzerland signed the Convention on 19 January 2011. The adoption of the message concerning the ratification of the Convention and its transmission to the Parliament is one of the objectives of the Federal Council in 2013. The process for its ratification is under way and the federal offices concerned are examining the consequences that the Convention could have for national law, which may require some modifications. The consultations with stakeholders, on the ratification of the Convention and the legislative revisions, ended on 8 April 2013 and allowed civil society to express its opinion on the implementation of the Convention.

Uruguay

[Original: Spanish]
[11 June 2013]

Uruguay ratified the Convention on 8 December 2008 and accepted the competence of the Committee to receive individual and inter-State petitions, pursuant respectively to articles 31 and 32 of the Convention. Uruguay has not availed itself of technical cooperation during the process of ratification of the Convention. Uruguay maintained an open attitude with the United Nations, OHCHR and the special procedures of the Human Rights Council, collaborating in particular

with the Working Group on Enforced or Involuntary Disappearances. Uruguay stated that, in the context of the reform of the penitentiary system, and with the support of OHCHR, training on the Convention was included in the induction courses for new civilian operators. Uruguay singled out the fact that it was the first State party to submit its report, within the deadline, to the Committee on Enforced Disappearances and for this was praised by the Committee itself.

V. Activities of the Secretary-General and the United Nations High Commissioner for Human Rights

7. In paragraph 4 of resolution 67/180, the General Assembly requested the Secretary-General and the United Nations High Commissioner for Human Rights to continue their intensive efforts to assist States in becoming parties to the Convention, with a view to achieving universal adherence.

8. Since the adoption of the Convention, on a number of occasions the Secretary-General has called upon States to ratify this instrument (see for example A/67/267). Most recently, on 28 May 2013, on the occasion of the inauguration of the exhibit "Absence", on the enforced disappearances perpetrated in Argentina and the consequences for the families of the victims, the Secretary-General once again urged States to ratify the Convention.

9. The International Convention for the Protection of All Persons from Enforced Disappearance has been highlighted during all treaty-related events organized by the United Nations in New York since 2007, to promote its accession, ratification and implementation.

10. The Office of the United Nations High Commissioner for Human Rights has taken a series of steps to promote the implementation of resolution 67/180. OHCHR pursues its efforts in the fight against enforced disappearance and to achieve universal ratification of the Convention under the thematic priorities of "violence and insecurity" and "support for human rights mechanisms" as set out in the Office management plan for 2012-2013. Much of this focuses on supporting States' efforts to ratify the Convention but also extends to the provision of training and capacity-building to States and civil society, as well as awareness-raising about the Convention.

11. In relation to promoting ratification, the High Commissioner systematically encourages Member States to ratify human rights instruments generally and has supported ratification in several countries. The High Commissioner personally encouraged ratification of the Convention during her missions to Algeria in September 2012 and Indonesia in November 2012.

12. The OHCHR country office in Mauritania assisted the Government of the country in initiating consultations with a view to ratifying the Convention. Mauritania ratified the Convention on 3 October 2012.

13. The OHCHR Regional Office for South America explicitly set the ratification of the Convention by Peru and Venezuela (Bolivarian Republic of) as one of its goals during the reporting period. Peru accessed the Convention on 26 September 2012.

14. The OHCHR country office in Guatemala continued its efforts to encourage the Government to ratify the Convention. The office has supported monthly meetings of civil society and victims' organizations to promote ratification.

15. In addition to supporting States in ratifying the Convention, OHCHR has been assisting States and civil society organizations through training, capacity-building and awareness-raising.

16. The OHCHR country office in Mexico provided technical assistance to the State of Nuevo Leon throughout the legislative processes which resulted in the introduction of the crime of enforced disappearance in the Criminal Code and Criminal Procedure Code of the State in November 2012; the OHCHR country office in Mexico issued a press release in this regard.

17. The OHCHR Regional Office in South America provided technical assistance to Uruguay in the context of the reform of the penitentiary system and delivered training on the Convention which was included as a module in the induction courses for new civilian operators. The Regional Office authored an extended web story on enforced disappearances, a shorter version of which was published on the global OHCHR website in August 2012.

18. On the occasion of the second International Day of the Victims of Enforced Disappearances, on 30 August 2012, OHCHR organized a media campaign through conventional media and social networks such as Facebook, Google+ and Twitter. OHCHR headquarters and field offices disseminated the press release, which the Committee issued jointly with the Working Group on Enforced or Involuntary Disappearances, in English, French and Spanish, together with the text of the Convention and a photograph album. The campaign included a call to all readers to lobby for their respective Governments to ratify the Convention.

19. The United Nations Voluntary Fund for Victims of Torture has awarded grants to a number of non-governmental entities providing assistance to families of victims of enforced disappearances and/or documenting cases of enforced disappearance in line with the relevant provisions of the Convention. In particular, the Fund supported two emergency projects, one in Guatemala and one in Uruguay, providing psychological support to victims of gross human rights violations, including torture and enforced disappearance, bearing witness in the historic trials conducted in both countries. In Argentina, another assistance project continues to be supported by the Fund with the aim of providing psychological assistance to victims during ongoing trials for torture and enforced disappearance of former military and police personnel of the former military regime.

VI. Activities of the Committee on Enforced Disappearances

20. During the reporting period the Committee took several steps to promote the Convention. On 30 August 2012 the Committee and the Working Group on Enforced or Involuntary Disappearances issued a joint public statement on the occasion of the second International Day of the Victims of Enforced Disappearances, in which experts of the two bodies reminded States to continue promoting and giving full effect to the Declaration on the Protection of All Persons from Enforced Disappearance as well as to the Convention. The experts also called upon all States clearly to commit themselves to eradicating enforced disappearance and to ratify the Convention in order to attain its universal ratification so that the right not to be subjected to enforced disappearance becomes a reality.

21. The Chair of the Committee, in opening statements at the third and fourth sessions, held from 29 October to 9 November 2012 and from 8 to 19 April 2013 respectively, emphasized the need for universal ratification and the importance of working with States parties, signatories and all Member States, as they have the primary responsibility to implement and enforce the Convention.

22. The Committee held its second meeting with the Working Group on Enforced and Involuntary Disappearances on 1 November 2013. In a joint statement the experts of the two mechanisms reaffirmed their willingness to develop strategies to continue promoting and giving full effect to the Declaration and the Convention. Experts also agreed on the need to work collectively in achieving universal adherence to the Convention and recognition of the competence of the Committee to receive individual and inter-State petitions, respectively under articles 31 and 32 of the Convention.

23. The Committee met twice with Member States at public meetings, on 5 November 2012 and 8 April 2013. The Committee invited the States parties to the Convention to submit their reports as early as possible. It also encouraged States which have not yet done so to ratify the Convention and/or accept the competence of the Committee to consider individual communications. Recalling that article 4 of the Convention requires States parties to criminalize enforced disappearance, the Committee encouraged States parties to amend their national laws accordingly. The Chair updated the States on the work of the Committee.

24. On 5 November 2012 and 8 April 2013, the Committee also held public meetings with representatives of United Nations agencies and other mechanisms, intergovernmental organizations and national human rights institutions, in which representatives of the United Nations Educational, Scientific and Cultural Organization, the Council of Europe, the International Committee of the Red Cross and the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights participated. The participants stressed the importance of the Convention as a tool to prevent enforced disappearance and fight impunity.

25. The Committee also met, on 5 November 2012 and 8 April 2013, with representatives of 12 non-governmental organizations and associations of victims to discuss general matters relating to the promotion and implementation of the Convention. The Committee welcomed the support of the non-governmental organizations for the Convention and underlined the importance of close cooperation in raising awareness about it.

26. During its third session, the Committee held three thematic discussions at closed meetings. It continued a discussion on the responsibility of States and the role of non-State actors, and held two new discussions, one concerning trafficking and enforced disappearance and another on the principle of non-refoulement, expulsion and extradition under article 16 of the Convention. The choice of those subjects demonstrates the Committee's willingness and determination to apply the Convention in the light of a broader viewpoint and with a strong victim perspective, as requested in the Convention itself.

27. On 14 May 2013, the Committee, through the Secretariat, sent a reminder to all States parties whose reports were overdue to encourage a prompt submission and sent again the guidelines on the form and content of reports under article 29 to be

submitted by States parties to the Convention (CED/C/2), to support them in their obligation.

28. The Committee continues to discuss a strategy to encourage States to ratify the Convention and accept the optional mechanisms under articles 31 and 32, recognizing the competence of the Committee to receive individual and inter-State petitions. To this effect, the members of the Committee agreed to organize and participate in activities in their regions to disseminate the Convention and information about the Committee's protective functions.

VII. Activities of the Working Group on Enforced or Involuntary Disappearances

29. Since its inception, the Working Group on Enforced or Involuntary Disappearances has transmitted more than 53,986 individual cases to Governments in more than 90 States. The number of cases under active consideration that have not yet been clarified, closed or discontinued stands at 42,899 and concerns 84 States. The Working Group has been able to clarify 298 cases over the past five years.

30. On 18 December 2012, the Working Group issued a public statement on the occasion of the twentieth anniversary of the Declaration on the Protection of All Persons from Enforced Disappearance, in which it emphasized that all States should take immediate action to demonstrate their resolve against enforced disappearance, including signing and ratifying the International Convention for the Protection of All Persons from Enforced Disappearance.

31. In its annual report to the Human Rights Council for 2012 (A/HRC/22/45 and Corr.1, para. 76), the Working Group once again called upon States that had not signed and/or ratified the Convention to do so, and to accept the competence of the Committee to receive individual and inter-State communications pursuant to articles 31 and 32. This recommendation was reiterated in the statement of the Chair-Rapporteur of the Working Group when presenting the report before the Human Rights Council, on 5 March 2013. The Working Group also stressed in the report that, as for many other thematic human rights issues such as torture, racial discrimination, discrimination against women, the rights of the child and a series of civil, cultural, economic, political and social rights, the Committee and the Working Group coexist side by side, cooperating in the fight to prevent and eradicate enforced disappearances wherever they occur around the world. In the same vein, the Declaration and the Convention reinforce each other to create a more effective legal framework to confront the practice of enforced disappearance (ibid., para. 83).

32. In its general comment on children and enforced disappearances adopted at its ninety-eighth session (31 October-9 November 2012), the Working Group indicated that the universal ratification and implementation of the International Convention for the Protection of All Persons from Enforced Disappearance, the Convention on the Rights of the Child and its three Optional Protocols, the relevant Hague Conventions and all relevant international and regional instruments would contribute to an effective child protection framework against enforced disappearances. The Working Group encouraged States to ratify those instruments (A/HRC/WGEID/98/1 and Corr.1, para. 47).

33. In its report on its mission to Pakistan, undertaken from 10 to 20 September 2010, the Working Group called on the Government to ratify the Convention and to recognize the competence of the Committee on Enforced Disappearances to consider individual and inter-State petitions, pursuant to articles 31 and 32 of the Convention (A/HRC/22/45/Add.2, para. 89 (a)). The Working Group also recommended that a new and autonomous crime of enforced disappearances should be included in the Criminal Code following the definition given in the Convention and with all the legal consequences flowing from this qualification (ibid., para. 96 (a)).

34. In its follow-up report on its visit to Morocco, the Working Group welcomed the launch of the ratification process of the Convention (A/HRC/22/45/Add.3, para. 15).

35. The Working Group uses every opportunity to promote the ratification of the Convention, including during visits undertaken to different States and bilateral meetings held with its representatives.

VIII. Activities of United Nations agencies and organizations, intergovernmental and non-governmental organizations

36. A number of United Nations agencies and organizations and intergovernmental and non-governmental organizations have undertaken great efforts at the national, regional and universal levels to disseminate information on the Convention, promote understanding of it, prepare for its entry into force and assist States parties in implementing their obligations under this instrument.

37. The International Committee of the Red Cross (ICRC) promotes and encourages the ratification and implementation of the Convention through its Advisory Service and offers tailor-made specialist legal advice and technical support to national authorities, upon their request, when incorporating into national law their obligations to prevent disappearances and to account for the missing. To this end, ICRC facilitates the exchange of experiences among competent authorities by collecting national laws and case law for their inclusion into a public electronic database. It also developed guiding principles and a model law on the missing designed to facilitate legislation to prevent persons from going missing and to protect the rights and interests of the missing and their families. The model law stresses the importance of national authorities adopting legislation to ensure that the crime of enforced disappearance is criminalized under domestic law and that criminal proceedings can be initiated by the missing person or his/her legal representative(s), family members, interested parties or the State authority. While drawing attention to the plight of missing persons and their families, ICRC also promotes the need to become a party to and implement the Convention, through its website and promotional activities. ICRC delivered statements at the second and fourth sessions of the Committee on Enforced Disappearances and participated in a private discussion with the Committee on forensic issues in October 2013. Finally, it participated in an event organized during the second meeting of States parties to the Convention in May 2013 in New York.

38. Regarding civil society, Amnesty International regularly provides country-related and other information to the Committee on Enforced Disappearances to support its work in monitoring State compliance and promoting implementation of the Convention, including in relation to the Committee's consideration of State

reports under article 29.1 of the Convention. Amnesty International translated the checklist entitled "No impunity for enforced disappearances", which provides guidelines to States parties on how to implement in law and practice their obligations under the Convention, also into Chinese and Indonesian. Amnesty International also publishes various advocacy and press materials, both thematic and country-related, raising awareness on the Convention. It regularly urges the authorities of the States to ratify the Convention, without any reservation, and recognize the competence of the Committee under articles 31 and 32 of the Convention.

39. The International Coalition against Enforced Disappearances, which comprises 41 non-governmental organizations in Asia, Latin America, Africa, the Euro-Mediterranean region and the United States, has performed, through its focal points, an important number of activities to promote the ratification of the Convention and the recognition of the competence of the Committee on Enforced Disappearances to accept petitions under articles 31 and 32. These include sending letters to Governments of different countries, within the "country of the month" campaign strategy; coordinating national campaigns; participating in conferences, dialogues and forums all over the world; publishing quarterly e-news, commemorating the International Day of the Victims of Enforced Disappearances (30 August), the International Week of the Disappeared, and International Human Rights Week, culminating in Human Rights Day.

40. TRIAL (Swiss Association against Impunity), which is a member of the International Coalition against Enforced Disappearances, monitored the process of the ratification of the Convention and the acceptance of the competence of the Committee in several countries, with particular emphasis during the reporting period on Bosnia and Herzegovina and Switzerland. TRIAL assisted countries such as Iraq in the implementation of the Convention, through participation in international conferences and the publication of targeted recommendations. TRIAL regularly provides information to the Committee on Enforced Disappearances to support its work in monitoring State compliance and promoting the implementation of the Convention, including in relation to the Committee's consideration of State reports under article 29.1 of the Convention. TRIAL raised the ratification and implementation of the Convention and the relevant States' obligations in a number of alternative reports to the various United Nations committees and in the litigation of cases of enforced disappearance before the European Court of Human Rights and the Human Rights Committee.

Annex

States that have signed, ratified or acceded to the Convention for the Protection of All Persons from Enforced Disappearance as at 15 July 2013

Participant	*Signature*	*Accession or ratification*
Albania[a]	6 February 2007	8 November 2007
Algeria	6 February 2007	
Argentina[a]	6 February 2007	14 December 2007
Armenia	10 April 2007	24 January 2011
Austria[a]	6 February 2007	7 June 2012
Azerbaijan	6 February 2007	
Belgium[a]	6 February 2007	2 June 2011
Benin	19 March 2010	
Bolivia (Plurinational State of)	6 February 2007	17 December 2008
Bosnia and Herzegovina	6 February 2007	30 March 2012
Brazil	6 February 2007	29 November 2010
Bulgaria	24 September 2008	
Burkina Faso	6 February 2007	3 December 2009
Burundi	6 February 2007	
Cambodia		27 June 2013[b]
Cameroon	6 February 2007	
Cape Verde	6 February 2007	
Chad	6 February 2007	
Chile[a]	6 February 2007	8 December 2009
Colombia	27 September 2007	11 July 2012
Comoros	6 February 2007	
Congo	6 February 2007	
Costa Rica	6 February 2007	16 February 2012
Croatia	6 February 2007	
Cuba[a]	6 February 2007	2 February 2009

Participant	*Signature*	*Accession or ratification*
Cyprus	6 February 2007	
Denmark	25 September 2007	
Ecuador[a]	24 May 2007	20 October 2009
Finland	6 February 2007	
France[a]	6 February 2007	23 September 2008
Gabon	25 September 2007	19 January 2011
Germany[a]	26 September 2007	24 September 2009
Ghana	6 February 2007	
Greece	1 October 2008	
Grenada	6 February 2007	
Guatemala	6 February 2007	
Haiti	6 February 2007	
Honduras	6 February 2007	1 April 2008
Iceland	1 October 2008	
India	6 February 2007	
Indonesia	27 September 2010	
Iraq		23 November 2010[b]
Ireland	29 March 2007	
Italy	3 July 2007	
Japan[a]	6 February 2007	23 July 2009
Kazakhstan		27 February 2009[b]
Kenya	6 February 2007	
Lao People's Democratic Republic	29 September 2008	
Lebanon	6 February 2007	
Lesotho	22 September 2010	
Liechtenstein	1 October 2007	
Lithuania	6 February 2007	
Luxembourg	6 February 2007	
Madagascar	6 February 2007	

Participant	*Signature*	*Accession or ratification*
Maldives	6 February 2007	
Mali[a]	6 February 2007	1 July 2009
Malta	6 February 2007	
Mauritania	27 September 2011	3 October 2012
Mexico	6 February 2007	18 March 2008
Monaco	6 February 2007	
Mongolia	6 February 2007	
Montenegro[a]	6 February 2007	20 September 2011
Morocco	6 February 2007	14 May 2013
Mozambique	24 December 2008	
Netherlands	29 April 2008	23 March 2011
Niger	6 February 2007	
Nigeria		27 July 2009[b]
Norway	21 December 2007	
Palau	20 September 2011	
Panama	25 September 2007	24 June 2011
Paraguay	6 February 2007	3 August 2010
Peru		26 September 2012
Poland	25 June 2013	
Portugal	6 February 2007	
Republic of Moldova	6 February 2007	
Romania	3 December 2008	
Samoa	6 February 2007	27 November 2012
Senegal	6 February 2007	11 December 2008
Serbia[a]	6 February 2007	18 May 2011
Sierra Leone	6 February 2007	
Slovakia	26 September 2007	
Slovenia	26 September 2007	
Spain[a]	27 September 2007	24 September 2009

Participant	*Signature*	*Accession or ratification*
Saint Vincent and the Grenadines	29 March 2010	
Swaziland	25 September 2007	
Sweden	6 February 2007	
Switzerland	19 January 2011	
Thailand	9 January 2012	
The former Yugoslav Republic of Macedonia	6 February 2007	
Togo	27 October 2010	
Tunisia	6 February 2007	29 June 2011
Uganda	6 February 2007	
United Republic of Tanzania	29 September 2008	
Uruguay[a]	6 February 2007	4 March 2009
Vanuatu	6 February 2007	
Venezuela (Bolivarian Republic of)[a]	21 October 2008	
Zambia	27 September 2010	4 April 2011

[a] States that have made declarations recognizing the competence of the Committee under articles 31 and/or 32 of the Convention. The full text of the declarations and reservations made by States parties can be found at http://treaties.un.org.

[b] Accession.

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Item 69 (b) of the provisional agenda*
Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

International Convention for the Protection of All Persons from Enforced Disappearance

Report of the Secretary-General

Addendum

1. On 13 August 2013, Cuba submitted its reply to the note verbale dated 24 April 2013, in which the Secretary-General had invited Governments to transmit any information pertaining to the implementation of General Assembly resolution 67/180. The information provided is summarized below:

> Cuba informed that it is a State party to the Convention and that it constantly evaluates the provisions of an optional nature by which it is not bound, even after the ratification of any international legally binding instrument, as is the case with articles 31 and 32 of the Convention. It also indicated that it has neither requested nor received assistance from the Secretary-General or the United Nations High Commissioner for Human Rights with regard to issues related to enforced disappearances or the implementation of the Convention. It further indicated that the eradication of this scourge in Cuba since the revolutionary triumph of January 1959 does not make it necessary to request any assistance. In addition, Cuba indicated that it has not received requests for assistance from United Nations organs, intergovernmental or non-governmental organizations or the Working Group on Enforced or Involuntary Disappearances on issues related to the implementation of the Convention.

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Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Human rights and unilateral coercive measures

Report of the Secretary-General

Summary

The present report is submitted in accordance with General Assembly resolution 67/170, in which the Assembly requested the Secretary-General to bring the resolution to the attention of all Member States, to continue to collect their views and information on the implications and negative effects of unilateral coercive measures on their populations and to submit an analytical report thereon to the Assembly at its sixty-eighth session. The present report contains a summary and analysis of the submissions received from the Governments of Belarus, Brazil, Colombia, Ecuador, Egypt, Iraq, Jordan, Lebanon, the Sudan and the Syrian Arab Republic.

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I. Introduction

1. In its resolution 67/170, the General Assembly requested the Secretary-General to bring the resolution to the attention of all Member States, to continue to collect their views and information on the implications and negative effects of unilateral coercive measures on their populations and to submit an analytical report thereon to the Assembly at its sixty-eighth session, while reiterating once again the need to highlight the practical and preventive measures in that respect.

2. On 8 April 2013, the Office of the United Nations High Commissioner for Human Rights (OHCHR) sent a request for information to all permanent missions to the United Nations Office at Geneva and to other international organizations located in Geneva. As at 4 July 2013, responses had been received from the Governments of Belarus, Brazil, Colombia, Ecuador, Egypt, Iraq, Jordan, Lebanon, the Sudan and the Syrian Arab Republic.

II. Information received from Member States

Belarus

3. The Government of Belarus stated that it fully supported General Assembly resolution 67/170 and considered the application of unilateral coercive measures of an economic, political, or any other kind inadmissible. Belarus believed that unilateral coercive measures contradicted international law standards and created artificial trade barriers. It was of the view that adopting a passive position on the issue of unilateral coercive measures might lead to negative consequences, whereby countries would use such measures to promote their political and economic interests. The Government of Belarus also condemned the illegal sanctions policies of the United States of America and the European Union, which infringed on the rights of different nations, including itself. By applying unilateral coercive measures towards Belarus, Great Britain and the United States of America violated the Helsinki Final Act, under which they had agreed to refrain from any act of economic coercion under any circumstances.

4. Belarus asserted that the United Nations, including the Office of the United Nations High Commissioner for Human Rights, must take a strong stance against unilateral coercive measures and vigorously demand their abolition by Governments that applied them. It supported the idea of creating a special mechanism for monitoring unilateral coercive measures, which may, for example, be implemented via a special procedures mandate. That idea had been positively received at the seminar organized by the Office on 5 April 2013. It was also important to establish a penalty system, under which countries implementing unilateral coercive measures had a responsibility in the form of compensation to the aggrieved party. Belarus fully supported the annual adoption of the resolution "Human rights and unilateral coercive measures" by the United Nations and believed that countries which voted against it should reconsider their approaches.

Brazil

5. The Government of Brazil stated that it was concerned about the increasingly frequent resort to unilateral coercive measures as an instrument of international politics. For Brazil, the application of such measures violated the provisions of the Charter of the United Nations, which required authorization by the Security Council for the imposition of a complete or partial interruption of economic relations. The Government of Brazil also had reservations with regard to the efficiency of unilateral coercive measures and their devastating humanitarian impacts on civilian populations, for instance in Iraq, the Islamic Republic of Iran and the Syrian Arab Republic. Brazil underlined the recurring paradoxical situation, in which the persons were most affected by the application of unilateral coercive measures in the promotion of international human rights and humanitarian law were frequently the same civilians who were supposed to be protected by such measures.

6. The Government of Brazil was also concerned that unilateral coercive measures were increasingly being regarded, not as means to an end, but as ends in themselves. As such, unilateral coercive measures were becoming associated with the affirmation of a perverse "ethics of punishment", instead of the promotion of international law. In the current context of complex challenges to international peace and security, Brazil asserted that it was crucial for the international community to renew its commitment to conflict prevention, diplomacy, mediation and other peaceful means. The Government of Brazil emphasized that it was through political and diplomatic solutions that States would be able to put in place the legitimate and sustainable political arrangements necessary for lasting peace and the full enjoyment of human rights. Brazil concluded by stating that, in the exceptional case in which unilateral coercive measures were deemed to be necessary, they must always be authorized by the Security Council, since its members must use them only as a last resort, when political and diplomatic means have been fully exhausted.

Colombia

7. The Government of Colombia was opposed to the implementation of unilateral coercive measures, as, in its view, they constituted an inappropriate means of pressure. Colombia underlined that it respected the principles and norms of international law, including the principle of sovereignty and the principle of self-determination of peoples. Colombia had traditionally opposed the use of modes of pressure and sanctions. In its view, priority must be accorded to international cooperation as a means of inspiring and promoting the full enjoyment of human rights, rather than to sanctions.

Ecuador

8. The Government of Ecuador stated that it was opposed to the use of unilateral coercive measures, as they went against its constitutional principles and undermined the guarantee of the full enjoyment of human rights. Instead, Ecuador recommended the adoption of preventive measures to avoid the implementation of unilateral coercive measures in order to obtain symmetrical relations between countries. As an example of such preventive measures, the Government of Ecuador offered its "*Plan Nacional para Buen Vivir*" (National Plan for Good Living). The objective of the

plan was to guarantee sovereignty and peace and promote its strategic insertion into the world, as well as the integration of Latin America. Ecuador underlined its commitment and support for the development of human rights and its opposition to the implementation of unilateral coercive measures, as they went against the principle of sovereignty.

Egypt

9. The Government of Egypt objected to the imposition of unilateral economic measures as instruments of political and economic coercion against developing countries for several reasons. First, these measures constituted a breach of the principles of the Charter of the United Nations and the norms of international law, and violated the sovereignty and territorial integrity of States. The imposition of unilateral economic measures had detrimental effects on vital economic sectors in affected countries, including finance, banking and tourism. They had a negative impact on the well-being and the socioeconomic development of the population of affected countries. They had a direct negative impact on health, nutrition, water quality, education and culture. In Egypt's view, unilateral coercive measures had significantly jeopardized the full enjoyment of all human rights and fundamental freedoms, further increasing the suffering of the people living in the affected States.

Iraq

10. The Government of Iraq stated that the implementation of unilateral coercive measures had a direct negative impact on the guarantee of individual human rights in developing countries. For Iraq, the recognition of human rights was clearly found in legal texts, and must be put concretely into practice. However, in reality, individual human rights were not respected by some powerful countries. The Government of Iraq underlined that the use of unilateral coercive measures by some States over others reflected the degree of respect accorded by those States. Iraq emphasized that those measures had harmful consequences on the development of countries, including on the political, economic, and cultural aspects and on the development of human beings. For the Government of Iraq, unilateral coercive measures constituted major obstacles to the development of a State, with regard to both external and internal dimensions. Such measures led to an increase in poverty and corruption, degradation of the status of women, a decline in the level of education, and deterioration in security in the country affected. Iraq stated that the right to development was upheld by its Constitution and other legal documents.

Jordan

11. The Government of Jordan stated that its Constitution enshrined the protection of human rights — political, economic and civil. Jordan also underlined that it took steps for the protection of the rights of women, children and minorities, and for the right to development, including freedom of trade and economic exchanges. Jordan was concerned about the use of unilateral coercive measures, since they directly contravened respect of those rights.

Lebanon

12. The Government of Lebanon stated that it respected human rights, which were included in its Constitution. However, Lebanon stated that the wars in the country led to the loosening of its borders and sovereignty, and that the Lebanese population had been threatened by those wars.

Sudan

13. The Government of the Sudan stated that unilateral coercive measures had long-term harmful consequences on the human rights of the Sudanese population, as well as on the economic development of the country. The Sudan underlined that, because of the United States embargo which throttled the country in the economic sphere, its financial stability had been destroyed and its long-term economic exchanges with all Western countries had been halted.. Due to the absence of economic exchanges and activities, it was impossible for the Sudan to ensure the right and access to food and basic needs of its population. Following the decline and absence of investment in the Sudan and the increase in its debt, it was now considered as one of the heavily indebted countries. This had major repercussions on several sectors, including its economy, its modes of transportation, and the nature and wildlife of the country.

Syria Arab Republic

14. The Government of the Syrian Arab Republic defined unilateral coercive measures as a political tool used by foreign powers to put pressure on and create an internal political change in another country. However, such measures constituted a violation of Article 55 of the Charter of the United Nations, which underlined the importance of stability in international relations. Unilateral coercive measures were modes of interference which were harmful to healthy and stable cooperation between countries. They constituted a violation of the right to development and the right to access to health and medicine. Whereas in 2010, the Syrian Arab Republic had no external debt, it was now faced with major inflation with regard to the price of food, gas, oil and other natural resources. As a consequence of the embargo and the freezing of assets, unemployment had increased, the shortage of transportation had worsened and internal production had significantly declined.

III. Analysis and conclusions

15. **All respondent Member States rejected the use of unilateral coercive measures. Several respondents stated that unilateral coercive measures contravened Article 55 of the Charter of the United Nations, basic principles of international law, including sovereignty and self-determination of peoples, and the national Constitutions of States. Several States stressed that unilateral coercive measures represented a rejection of healthy and stable cooperation, diplomacy and dialogue as the most appropriate means to resolve international disputes. They observed that coercive measures were used as tools for exerting political or economic pressure against countries with opposing views.**

Respondents asserted the importance of respecting the standards and principles of international law to maintain international peace and security and to create and maintain friendly relations between countries, while promoting and protecting human rights.

16. **According to several States, unilateral coercive measures were preventing countries from exercising their right to decide and to express their own free will, posing major obstacles to the development of their economies and the guarantee of the full enjoyment of human rights to their peoples. Respondents noted that those measures had direct negative impacts on the economy and on the full enjoyment of human rights of civilians in targeted countries. Unilateral coercive measures posed challenges to the realization of basic human rights, such as the right to development, health and food and compromised the well-being of human beings. It was stated that interference with free trade took place at the expense of vulnerable populations in developing countries, including women, children, adolescents and older persons.**

17. **Several respondents recommended that action be taken against the use of pressure and sanctions in the form of unilateral coercive measures. They underlined the need for action to address the negative impacts of unilateral coercive measures. Respondents asserted that the United Nations must take a strong position against unilateral coercive measures and demand their abolition. Some support was expressed for the establishment of a penalty system against those adopting unilateral coercive measures, and the creation of a mechanism for monitoring such measures, possibly through a special procedures mandate.**

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Item 24 (b) of the provisional agenda
Operational activities for development: South-South cooperation for development

The state of South-South cooperation

Report of the Secretary-General

Summary

The present report highlights factors behind the growing awareness of and attention to South-South cooperation for development. It is submitted in response to the request of the General Assembly in its resolution 67/227 that the Secretary-General submit to it a comprehensive report on the state of South-South cooperation. Driven by the unprecedented economic performance of the South, the rapid spread of electronic connectivity and buoyant intra-South trade, South-South cooperation has continued to thrive. Sustaining the momentum of a rising South and directing South-South cooperation to the urgent task of tackling poverty require more institutionalized and coherent multilateral support that particularly enhances the productive capacity of least developed countries.

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I. Introduction

1. In 2012, developing countries accounted for nearly half of world gross domestic product; by 2020, just three of them, Brazil, China and India, are projected to account for more world output than Canada, France, Germany, Italy, the United Kingdom of Great Britain and Northern Ireland and the United States of America combined.[1] By 2025, the South is likely to account for 600 million households earning more than $20,000 and an overall annual consumption of $30 trillion. All regions of the South have experienced growth during the most severe recession in the North since the Great Depression. This unprecedented achievement and prospect, in combination with the rapid spread of electronic connectivity across the South, point to new levels of strength and effectiveness for South-South cooperation.

2. Over the review period, South-South cooperation advanced on all fronts. At the political and strategic levels, new international alliances deepened with the aim of rebalancing power equations and reforming the existing architecture for international cooperation. Governments of developing countries voiced their intention to take on board new responsibilities to ensure the economic, social, environmental and political sustainability of global welfare and growth. At regional and global forums, they made it clear that only within that broader agenda can the rise of the South be sustainable. The strongest dynamism in South-South cooperation continued to be seen at the regional and interregional levels. However, achieving the potential of South-South cooperation and its impact on least developed countries remain less than optimal.

3. In the United Nations system, Member States deliberated on a wide range of policy, institutional and operational issues regarding South-South cooperation. They reaffirmed its fundamental principles and objectives as set out in the Buenos Aires Plan of Action for Promoting and Implementing Technical Cooperation among Developing Countries[2] and the Nairobi outcome document of the High-level United Nations Conference on South-South cooperation (General Assembly resolution 64/222, annex). By renaming the Special Unit for South-South Cooperation the United Nations Office for South-South Cooperation, Member States affirmed its system-wide coordination role. To further improve the governance of multilateral South-South cooperation, the Group of 77 proposed that the High-level Committee on South-South Cooperation be renamed the Commission on South-South Cooperation. By taking note of the framework of operational guidelines of the Secretary-General on United Nations support to South-South and triangular cooperation, Member States clearly expect all United Nations organizations and specialized agencies, funds and programmes, including regional commissions, to integrate South-South cooperation operationally into their agency-specific policy and programming instruments and activities.

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[1] *Human Development Report 2013: The Rise of the South: Human Progress in a Diverse World* (United Nations publication, Sales No. 12.III.B.1).

[2] *Report of the United Nations Conference on Technical Cooperation among Developing Countries, Buenos Aires, 30 August-12 September 1978* (United Nations publication, Sales No. E.78.II.A.11 and corrigendum), chap. I.

4. The present report, which covers 2012 and the first half of 2013, is based on a review of the relevant literature and information provided by United Nations organizations and agencies.

II. State of South-South cooperation

A. New political dynamics

5. The rapid growth of developing countries and their continued resilience in the face of a global financial and economic crisis have brought South-South cooperation much attention in recent years. The political support for and the body of expert information on the effectiveness of such cooperation are at their greatest levels in three decades. South-South cooperation itself has expanded significantly in scope and content.

6. At the United Nations, the Group of 77 and China remain the main force in articulating common positions of the South in major multilateral conferences and processes dealing with the array of socioeconomic matters covered in the Buenos Aires Plan of Action. In addition, debates on the post-2015 development agenda have highlighted the need to reinforce the Millennium Development Goals with a new framework that captures the nexus between peace, security and development. In setting the post-2015 development priorities, African States have emphasized South-South and triangular cooperation and the need to eliminate systems permitting tax avoidance and money laundering that have drained from their economies 10 times the amount received as official development assistance (ODA). Continuing South-South cooperation in these matters will add important new policy dimensions to international affairs and reorient the joint operational action that developing countries are taking to advance sustainable development.

7. The most notable expression of this commitment to date came in March 2013, when at the fifth BRICS (Brazil, Russian Federation, India, China and South Africa) summit it was decided to establish the BRICS Development Bank, a BRICS Contingency Reserve Arrangement and a BRICS Business Council to address the financial, infrastructure, energy and telecommunications needs of the South. Measures to strengthen United Nations institutional support for South-South cooperation also featured prominently in the deliberations of the Committee on South-South Cooperation in 2012. The High-level Committee accordingly adopted a decision by which it called upon the Secretary-General to provide concrete proposals on how the newly renamed United Nations Office for South-South Cooperation was to be strengthened.

8. The relationship between industrially developed countries and South-South cooperation is complex at a time when such countries are experiencing a deep financial and economic downturn. Their austerity measures, reductions in flows of development finance, currency devaluations and new barriers to trade have contributed to slowing the growth of all emerging economies. However, triangular cooperation has been sustained and continues to have a valuable multifaceted role, especially in supporting knowledge hubs and networks. The emergence of a number of developing countries as providers of development assistance has led member countries of the Development Assistance Committee of the Organization for Economic Cooperation and Development (OECD) to study and discuss the concepts,

definitions, policy frameworks and evaluation benchmarks for South-South cooperation, with a view to formulating a common standard of aid effectiveness for both Northern and Southern providers of development assistance. The major providers of South-South development assistance acknowledged the need to improve the transparency and effectiveness of South-South cooperation among themselves while affirming that South-South cooperation is a partnership based on solidarity, equality, respect for sovereignty, non-interference in domestic affairs and mutual benefit. These principles are different from those of the aid effectiveness agenda and the norms and standards for delivering and evaluating North-South aid established by the Development Assistance Committee. This divergence was discussed at the Conference of Southern Providers of Development Cooperation that was convened in New Delhi in April 2013 by the Department of Economic and Social Affairs of the Secretariat and the Government of India with the participation of delegates from Africa, Asia and Latin America.

9. The Conference delegates noted that the reason for making these distinctions and rejecting common parameters was the trust deficit in North-South relations and the prospect that any agreed norms would solidify into an unfair scorecard. However, they said that there was a need to discuss proactively some of the issues that had been raised. Delegates emphasized the need for better data about South-South cooperation, stronger arrangements for region- and country-specific evaluations and a new inclusive institution to anchor the coordination of strategy, policy and operations on South-South cooperation.

B. Economic achievements and issues

10. The most dynamic area of achievement has been economic. In a period of recession and slow growth in industrialized countries, the economies of developing countries have continued to grow, albeit at a slower pace than in previous years. Despite the economic slowdown, South-South trade has grown to unprecedented levels. Trade in intra-South merchandise and manufactured products is at a historic high and now exceeds such exports to the North. About 56 per cent of exports from developing countries went to other developing countries in 2011.[3] Even when China is excluded, South-South trade has been growing at an average rate of 17.5 per cent a year over the past decade, with trade in manufactured goods expanding as rapidly as trade in commodities. The share of the most heavily exported manufactured products from developing countries, including computer equipment, parts for telecommunication equipment, valves, tubes, diodes, transistors and office equipment parts and accessories, amounted to more than 60 per cent of the world total for 2010 and 2011.[4] That figure represented a gain of more than 30 percentage points compared with 1995 and 1996. The most rapid rise in export share for developing economies has been in ship construction. In 2010 and 2011, ships and floating structures, including cruise and cargo ships, barges and other vessels, built in developing economies grew to 64.7 per cent of the global total, an increase of 37.4 percentage points from 1995 and 1996. The principal net exporters were China, the Republic of Korea and India. The main destinations were China, Singapore and

[3] United Nations Conference on Trade and Development (UNCTAD), *South-South Trade Monitor*, No. 2 (July 2013).

[4] *World Investment Report 2013: Global Value Chains: Investment and Trade for Development* (United Nations publication, Sales No. E.13.II.D.5).

Hong Kong, China, as well as open registry countries, such as Liberia, the Marshall Islands and Panama.

11. Finance is another area of South-South cooperation that exhibits considerable dynamism. Developing countries now provide 33 per cent of global investments and are projected by the World Bank to account for more than half of total capital stock by 2030.[5] In 2012, overall global foreign direct investment (FDI) declined by 18 per cent, whereas flows to the least developed countries rose by 20 per cent to a record $26 billion. The landlocked developing countries remained resilient and two resource-rich small island developing States received significant financing. Investment flows to Africa and South America also defied the global trend, but those to Asia did not. South-South investment flows dominated in the landlocked developing countries, and the share of greenfield investment projects from developing economies jumped from 41 per cent of total projects in 2011 to 66 per cent in 2012. However, all of these increases in financing were for mines, oil wells and the infrastructure necessary to export the extracted minerals; South-South investments did not break the established North-South pattern.

12. Perhaps the most important economic initiative related to South-South cooperation during the period under review emerged from African dialogue aimed at shaping the post-2015 development agenda. It involved members of parliament and representatives of civil society, media, academia and the private sector, who, emerging from a series of meetings preparatory to the Global Thematic Consultation on Governance and the Post-2015 Development Agenda, issued a statement at the Pan-African Parliament in Johannesburg, South Africa, in which they noted that the post-2015 agenda offers an opportunity to frame a vision of development that is integrated, situated in political economy and responsive to the political, social, economic and ecological transformation imperatives facing countries and regions. Emphasizing that the importance of an enabling global development architecture cannot be emphasized enough, the statement included a call for reform or the creation of global governance arrangements and institutions that support an environment for economic transformation and democratic governance in Africa. Such a measure would require development to be responsive to the needs of people and the use of public resources for public good. To that end, the post-2015 development architecture would need, inter alia, to provide for a stable, resilient and sustainable global financial system that is conducive to productive investment and the transfer of resources from rich countries to poor countries, rather than the other way around. For such a system to serve Africa's development needs, it must tackle tax havens and secrecy jurisdictions that facilitate tax dodging and illicit capital flight and affect the pricing mechanisms that deprive Africa from benefiting from value chains. The statement underlined the need for the post-2015 framework to place firm obligations on States to share information on beneficial ownership of bank accounts and financial assets in order to prevent secrecy in banking and financial operations, which has a corrosive effect on the integrity of institutions by facilitating corruption and undermining tax morale. The statement had considerable resonance, as a number of recent studies had underlined the seriousness of the drain of resources from developing countries. According to one estimate, between 2001 and 2010, developing countries lost some $9.1 trillion in illicit transfers from their

[5] World Bank, *Global Development Horizons: Capital for the Future: Saving and Investment in an Interdependent World* (Washington, D.C., 2013).

economies.[6] More than a quarter of all Latin American household wealth and almost a third of all Middle Eastern and African wealth are estimated to be held in offshore accounts.[7]

C. Social issues and interactions

13. The social backdrop of all South-South cooperation is massive demographic change. The world population is projected to increase from the current 7 billion to 10.1 billion by the end of the twenty-first century, with almost all the growth occurring in 58 "high-fertility" countries, including large countries such as Nigeria, Pakistan and the Philippines, and all of the smaller sub-Saharan least developed countries. Their population, which, along with the rest of South Asia, accounts for the poorest groups in the world, will more than triple by 2100, increasing from 1.2 billion to 4.2 billion. Meanwhile, the populations of Brazil, China, the Islamic Republic of Iran, Thailand and Viet Nam, which now account for the bulk of the people in the "low-fertility" group of countries, will have peaked, as will that of Bangladesh, Egypt, India, Indonesia and Mexico, which are the most populous of the "intermediate-fertility" category.

14. As a result of these trends, South-South cooperation has begun to contend with a massive youth bulge in Africa, while most of Asia and Latin America face a dramatic increase in the proportion of the elderly in their populations. In combination with the different economic growth rates projected for the North and the South, these demographic trends are expected to completely restructure the world economy and create a range of new challenges for South-South cooperation. In order to reap a demographic dividend, the Joint Youth Employment Initiative of the African Union Commission, the African Development Bank, the Economic Commission for Africa and the International Labour Organization (ILO) was launched in April 2013 to support African countries in addressing the growing rates of youth unemployment, a necessity for sustainable economic growth. The World Bank, in its 2012 *Global Development Horizons* report, projected a new level of integration in investment flows and stock of what it described as the "third age of financial globalization". The Asian Development Bank and the Inter-American Development Bank have foreseen the need to change the current pattern of investment flows between their two regions and have begun to work together at the top management level to bring this about.

15. South-South cooperation is also instrumental in meeting the challenges relating to tourism, which is now the basis for the world's largest industry. In 2012, the number of international arrivals reached an all-time record of 1.035 billion, with 539.8 million visitors to Europe, 236.4 million to the Asia-Pacific region, 171.5 million to the Americas, 31.7 to the Middle East, 30.8 million to Africa and 25 million to other regions. Emerging markets are the fastest growing in terms of both sending and receiving tourists, and South-South cooperation has been increasingly important in building and improving tourism infrastructure and services. At the most basic level, such cooperation involves sharing information and

[6] Dev Kar and Sarah Freitas, "Illicit Financial Flows from Developing Countries: 2001-2010", Global Financial Integrity (December 2012).

[7] Boston Consulting Group, "Global Wealth 2011: Shaping a New Tomorrow: How to Capitalize on the Momentum of Change" (Boston, May 2011).

data, especially to achieve consistency and coordination and help to make presentations to travel agents outside the region. At a more advanced level, it involves shared marketing, sales and reservations systems. South-South cooperation in creating regional airlines and hospitality chains has been slow to gain momentum in most parts of the South.

16. Migration is another major social factor that is receiving increasing attention from South-South cooperation policymakers and practitioners. There are more than 215 million international migrants and over 700 million internal migrants in the world today. Their treatment and status have been receiving increasing international attention, most recently at the Global Thematic Consultation on Population Dynamics, held in Dhaka in March 2013. One aspect of the talks focused on harnessing diasporas for development by engaging their technical skills to benefit home countries and by channelling remittances to fund development. Officially recorded remittance flows to developing countries reached an estimated $401 billion in 2012, which was 5.3 per cent more than in 2011.[8] Remittance flows are projected to grow at an average annual rate of 8.8 per cent during the period 2013-2015, reaching about $515 billion in 2015. These flows are now larger than any other form of foreign financing for developing countries.

17. Trade in cultural products and the mobilization of shared culture to support sustainable development are potentially fruitful areas of South-South cooperation but they have not received much attention from policymakers. Promoting gender equality, social equity and popular participation in democratic governance are areas of significant South-South cooperation, carried out mainly through civil society. In a recent survey, Africa representatives of civil society organizations assessed South-South cooperation between emerging powers and Africa. They voiced concerns that unconditional South-South cooperation could entrench the power of unaccountable political elites at the expense of needed democratic reforms on the continent, but they welcomed the fast and cost-effective contribution of emerging powers to basic infrastructure, technology transfer, telecommunications and access to scholarships.[9]

D. Environment and climate change

18. Global environmental crises, especially the prolonged droughts and increasingly severe weather incidents associated with global warming, have been a mounting concern for developing countries. During the period under review, there were intense regional and interregional consultations and cooperation in preparation for the United Nations Conference on Sustainable Development, which was perhaps the single most important event of recent times concerning South-South cooperation. The outcome document of the Conference, entitled "The future we want" (General Assembly resolution 66/288, annex), was the product of intensive discussions and negotiations within and between the regions of the South. The document set out a comprehensive prescription for the future course of multilateral action and established poverty elimination as the indispensable requirement for sustainable development and the highest challenge. In the document, States

[8] World Bank, "Migration and Development Brief 20" (April 2013).

[9] Sarah Vaes and Huib Huyse, *New Voices on South-South Cooperation between Emerging Powers and Africa: African Civil Society Perspectives*, HIVA Research Institute for Work and Society (Leuven, Belgium, 2013).

recommitted themselves to the purposes and principles of the Charter of the United Nations, full respect for international law and the importance of freedom, peace and security, and pledged respect for all human rights and overall commitment to just and democratic societies for development. At the Conference, States called for a whole new institutional framework for sustainable development that would respond coherently and effectively to current and future challenges, integrate economic, social and environmental aspects of development in a balanced manner and be inclusive, transparent and effective. They also decided to establish a high-level political forum and suggested a mandate that straddled the policy review functions of the Economic and Social Council and perhaps enabled its evolution into a security council of sustainable development. The participants of the Conference asked the General Assembly to begin a process towards agreement on a set of succinctly stated sustainable development goals to take into account the post-2015 development goals that are also in progress.

E. Least developed countries

19. In a period of recurring food, fuel and financial crises, South-South cooperation has been one of the few positive aspects in the economic life of the 48 least developed countries. Remittances from expatriate workers, 80 per cent of whom live in other developing countries, continued to increase during a period of general economic stagnation. Most other indices showed countries in the group to be stagnating. As the participants at the Fourth United Nations Conference on the Least Developed Countries, held in Istanbul, Turkey, in 2011, observed in adopting the Programme of Action for the Least Developed Countries for the Decade 2011-2020,[10] an evidence-based appraisal of the implementation of the Brussels Programme of Action for the Least Developed Countries for the Decade 2001-2010 confirms that a more strategic, comprehensive, and sustained approach based on ambitious, focused and realistic commitments is required to bring about structural transformation in least developed countries.

20. The least developed countries are among the countries that are the most vulnerable to climate change, and there is a concerted effort as part of the United Nations Framework Convention on Climate Change to improve their national adaptation planning and put in place specific programmes of action for each country. The Least Developed Countries Expert Group plays an advisory role, the Least Developed Countries Portal provides links to relevant information and analyses and the Least Developed Countries Fund supports action. A number of workshops and seminars were held during the review period, the most recent of which was an exposition held in Bonn, Germany, in June 2013 on the national adaptation plan process. Another major problem that has come into focus is the brain drain from the least developed countries, mostly to developed countries, where nearly two thirds of the emigrants from least developed countries now reside, most of the remaining third being in oil-exporting developing countries. Plans are under way to engage that diaspora in accelerating the development of the least developed countries. The one positive development relating to South-South cooperation relevant to such countries was their success in June 2013 in winning from the World Trade

[10] *Report of the Fourth United Nations Conference on the Least Developed Countries, Istanbul, Turkey, 9-13 May 2011* (A/CONF.219/7), chap. II.

Organization (WTO) an eight-year extension on access to generic HIV and AIDS drugs. The original exemption, granted under the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS), was due to expire in 2016. The TRIPS Council of WTO granted the extension, acting on an appeal by Haiti on behalf of all least developed countries.

21. The least developed countries received a record level of investments during the review period but, on closer examination, the statistics reflect flows to a few mineral-exporting countries; 20 least developed countries experienced a decline in FDI. However, South-South cooperation in science, technology and innovation between least developed countries and emerging economies is evolving. An Indian drug company has invested in the pharmaceutical industry in Uganda, while Brazil provides research and educational support to many African countries in science and technology. In 2011, Brazil announced plans to invest more than $2 billion to finance 75,000 African students to study science and technology in that country. These efforts respond to the Programme of Action for the Least Developed Countries for the Decade 2011-2020,[10] which focuses on science, technology and innovation as effective means for national capacity development. There is also immense potential for sustainable development aided by scientific and technological know-how. Harnessing that potential will require a framework to promote South-South collaboration on science, technology and innovation with a view to exchanging experiences in policymaking and in enhancing the capacity of the public and private sectors in the South to use technology productively. It is also important to facilitate technology transfer in key sectors such as agriculture, health, climate change and renewable energy.

III. New dynamism in regional and interregional South-South collaboration

22. During the period under review, regional and interregional economic integration and collaboration continued to gain the greatest traction. Between 2001 and 2011, total trade (exports plus imports) between African and BRIC (Brazil, Russian Federation, India and China) countries grew from $22.9 billion to $267.9 billion. In the same period, total trade between African and OECD countries rose from $189.4 billion to $615.2 billion. BRIC-Africa total trade was 43.6 per cent of OECD-Africa total trade.[11]

23. Two-way trade flows between China and Africa have been the main driver behind expanding BRIC-Africa trade ties. Between 2001 and 2011, China-Africa trade grew from $10.8 billion to $166.2 billion, with China's share of BRIC-Africa trade increasing from 47 per cent to 62 per cent. In the same period, total trade between India and Africa increased from $5.3 billion to $63.1 billion, with India's share of BRIC-Africa trade increasing slightly from 22.9 per cent to 23.6 per cent.

24. During the period under review, Government and corporate leaders in all regions of the South attended many interregional meetings and conducted numerous visits aimed at broadening contacts and exploring opportunities. China and India emerged as strategic partners for Africa and both continued to convene periodic

[11] North-South Institute, "South-South Trade, Investment and Aid Flows", Policy Brief (July 2013).

meetings to discuss priorities and possibilities and make deals on trade, investment, manufacturing and construction. Among the significant recent deals was an $8 billion agreement for China to develop transportation infrastructure in Sierra Leone and the announcement that India was to establish 100 capacity-building institutions in African countries. Periodic meetings of the entire memberships of regional groups became part of the international calendar and brought Latin American States together with African States, Arab States and East Asian States.

25. The Community of Latin American and Caribbean States established formal links with China and India, the leaders of which on many occasions visited developing countries that are potential economic partners in other regions. Two prominent interregional groupings are India, Brazil and South Africa (IBSA) and BRICS. The IBSA trilateral development initiative was a major driver of South-South cooperation in technical, cultural, economic and political exchanges between developing countries of different regions. The three countries entered into partnerships with several specialized agencies of the United Nations to manage their aid. At their 2013 summit, held in South Africa, BRICS decided to establish a development bank and a $100 billion contingency reserve arrangement to tackle any possible financial crisis in the emerging economies.

26. The African Union, the world's most advanced and comprehensive structure for South-South cooperation, is celebrating its fiftieth anniversary in 2013. As African Union delegations paid homage to the spirit and ideals of pan-Africanism and African renaissance, the Pan African University (now the Pan-Atlantic University) provided opportunities to promote innovation, science, entrepreneurship, research, social development and industrialization at its centres of excellence. The decisions taken by participants of the African Union summit indicate the scope of the efforts that continues to drive the continent towards its envisioned future. They include the creation of the Pan-African Intellectual Property Organization and the Committee of African Heads of State and Government on Climate Change, the refocusing of the Economic Commission for Africa (ECA) to support the transformation agenda of the African Union, the establishment of the African Observatory of Science, Technology and Innovation, to be hosted by Equatorial Guinea, the formation of an international constitutional court, the integration of the New Asian-African Strategic Partnership on the structure and processes of the African Union and steps to reduce maternal, newborn and child mortality and morbidity in Africa.

27. Despite the scope of the efforts, major obstacles continue to stand in the way of African development. In 2010, a study noted that the continent had only 204 km of road per 1,000 km^2 (only a quarter of which was paved) and that rail networks were small in most countries and nonexistent in 13. Most African ports were constrained by low capacity and operating efficiencies. Only one fifth of the African population had access to electricity (compared to half in South Asia and more than four fifths in Latin America). In January 2012, the African Union, acting on that logic, adopted a plan for boosting intra-African trade and the establishment of a continental free trade area. Activities in seven key priority clusters were set, including trade policy, trade facilitation, improved productive capacity, improved trade-related infrastructure, increased and more accessible trade finance, better trade information and factor market integration. The target is to raise intra-African trade by 20-25 per cent by 2022.

28. Action on that agenda is already under way in Kenya, Rwanda and Uganda, which have agreed to remove all non-tariff barriers and impose a single tax at the point of entry into their consolidated customs territory. This is expected to reduce from 18 to 5 the number of days necessary to move goods from the Kenyan port of Mombasa to Malaba in Uganda. Furthermore, the countries have agreed to build two pipelines to bring in oil from South Sudan and Uganda will build a new oil refinery. A revamped East African railway system is to be extended to landlocked Rwanda.

29. The Programme for Infrastructure Development in Africa supports the improvement of trade-related infrastructure by providing the strategic framework for the coordination and development of various regional and continental infrastructure initiatives in energy, transport, information and communication technologies and transboundary water resources. The Programme, with total funding of about $11 million, will support through 2030 the development of policies that will form the basis of the institutional arrangements, legal frameworks and financing mechanisms for the implementation and monitoring of the continent's infrastructural programmes. To help African countries to negotiate complex commercial transactions, the African Legal Support Facility continues to support African countries through grants for legal advice. This initiative has now grown to a total membership of 48 countries and six international organizations.

30. In 2012, the Pacific Alliance, a new subregional organization comprising Chile, Colombia, Mexico and Peru, was created in Latin America. The Alliance members, with a combined GDP of nearly $2 trillion, aim to increase their mutual trade and investment flows rapidly by taking down barriers to business. At present, intraregional trade makes up just 27 per cent of total trade in South and Central America, compared with 52 per cent in Asia. The initiative has gained significant corporate interest, judging from the turnout of some 600 corporate executives at the World Economic Forum on Latin America, held in Lima in April 2013, and a smaller but still impressive number at the Alliance summit held in Cali, Colombia, in May 2013. The decision to create a new strongly pro-business subregional organization was a response to the political direction of the 33-member Community of Latin American and Caribbean States, an initiative of the late Hugo Chavez, President of the Bolivarian Republic of Venezuela. Established in 2011, the Community is now presided over by a troika of Chile, Cuba as President pro tempore and Costa Rica. Haiti represents the Caribbean Community in that Bureau.

31. The most sustained success story concerning South-South cooperation in any region continues to be the 10-member Association of Southeast Asian Nations (ASEAN), which has been an important factor in establishing economic and political stability in much of East and South Asia. Following the 1997 Asian financial crisis, an initiative by ASEAN led to China, Japan and the Republic of Korea joining in the financial cooperation mechanism known as the Chiang Mai Initiative. Now multilateral, the Initiative is able to lend to countries that have bilateral currency swap agreements with the primary participants. Discussions are under way to strengthen the Initiative using prudential measures that would involve monitoring the economic performance of countries and establish an early warning system. In November 2011, at the ASEAN summit held in Bali, participants made a far-reaching proposal to establish a comprehensive regional economic partnership that would reconcile two older proposals, namely, the East Asian Free Trade Agreement, between ASEAN plus China, Japan and the Republic of Korea, or ASEAN plus 3, and the Comprehensive Economic Partnership for East Asia, which

would add Australia, India and New Zealand. Talks on the proposal began in early 2013 and are set to conclude by the end of 2015.

32. The South Asian Association for Regional Cooperation (SAARC) experienced a revival of hopes in 2012. For the first time in history, every country in the region had a Government that had come to power by peaceful and democratic transition. In July 2012, the SAARC secretariat convened a meeting of the Directors of its 11 regional centres, who came up with an exhaustive list of recommendations to be included in a comprehensive study on strengthening SAARC mechanisms.

33. A little-noticed success story in subregional South-South cooperation is the Pacific Islands Forum, which brings together the small, widely scattered developing countries of the region with Australia and New Zealand. Initiatives under its aegis have focused on shifting the focus of security policy from the State to individual welfare, moving the most petroleum-dependent area of the world towards use of renewable local sources of energy, empowering women, building climate resilience and promoting carbon-neutral development. There have been exemplary successes, including on the small island of Tuvalu, which is now entirely powered by solar energy, with supplementary power on cloudy days from generators using coconut husks as fuel. Supporting such initiatives is the Pacific Solution Exchange, an e-mail-based group of development professionals and practitioners that began functioning in 2009. In September 2012, the community held its first annual forum.

IV. Global support for South-South cooperation

A. New momentum in triangular cooperation

34. Traditional donors have continued to support initiatives that involve one or more Southern providers of assistance and a number of least developed countries in such areas as sustainable development, economic governance and capacity development through innovative triangular partnership arrangements. The Latin American subregion has benefited from significant development assistance through triangular partnerships. Sustainable development projects and/or initiatives have received significant support from a wide range of Northern development partners and multilateral organizations. Support has been given to projects on, inter alia, conservation and the sustainable use of native plants, strengthening rural fish farming and improving beekeeping diversification in Paraguay and, in the Plurinational State of Bolivia, the transfer of best practices in sustainable fishing and a programme entitled "Amazonia without fire". These projects have been supported by traditional partners, including Canada, Germany, Italy and Japan. Since 2000, programmes supported by the European Union have been shaped by periodic European Union-Latin American-Caribbean summit meetings. In response to demand, three programme priorities have been established, on social cohesion; sustainable development and climate change; and the promotion of higher education and research. Since 2010, the Latin America Investment Facility of the European Commission has directed support towards key strategic sectors. A wide network of partners has been involved in joint projects, including national Governments, judiciary, legislative bodies, local authorities, private enterprises, banks and academia.

35. Support for triangular cooperation in Africa ranges from building national security capabilities to promoting sustainable development outcomes of economic growth and democratic governance. However, there has been increasing support to economic governance initiatives that aim to develop the private sector, promote trade, improve economic governance and promote inclusive and sustainable growth. In January 2012, the United States Agency for International Development launched a major effort to move 30 per cent of its funding to the private sector, entrepreneurs and African civil society organizations. This came as part of an effort to promote private sector-led development and form innovative and high-impact public-private partnerships. Other initiatives were aimed at supporting investment in African small and medium-sized enterprises. A $5 million commitment to the Sustainable Energy Fund for Africa was announced as part the efforts of the United States Agency for International Development to free constraints on small businesses, most of which struggle with inadequate power. The multi-donor trust fund, established to improve how migrant remittances to Africa are transmitted, invested and used to support development in the migrants' home countries, has also received support through the triangular modality.

36. Triangular technical cooperation has continued to contribute to the enhancement of Southern capacity. The Japan International Cooperation Agency has a diversified portfolio of assistance programmes in all regions of the South, ranging from support for the ASEAN University Network to the development of earthquake-resistant housing in El Salvador and Mexico and the strengthening of mathematics and science education in West, Central, East and Southern Africa. Its Asia-Africa Knowledge Co-Creation Programme has grown steadily over the years. Its Coalition for African Rice Development, a long-standing project that involves Japanese plant-breeding experts working with African scientists at several locations to develop breeds of rice suitable for prevailing conditions, will be strengthened in an ambitious effort to double the rice production in sub-Saharan Africa to 28 million tons over the next five years. In Malaysia, its Third Country Training Programme is focused on the consolidation of peace for multicultural nations. At the fifth Tokyo International Conference on African Development, held in June 2013, Japan reiterated its support for the economic growth of Africa by boosting trade, investment and private-sector development with a combination of public and private resources worth about $32 billion, including $18 billion of ODA, over the next five years.

B. United Nations system support to South-South and triangular cooperation

37. The increased awareness of the strategic significance of South-South cooperation in the United Nations system is evidenced by the prominent place accorded to the subject by Member States at the United Nations Conference on Sustainable Development, the sixty-seventh session of the General Assembly, the quadrennial comprehensive policy review, the seventeenth session of the High-level Committee on South-South Cooperation and the ongoing dialogues on the post-2015 development agenda and on sustainable development goals.

38. In their 2012 ministerial declaration, the Group of 77 and China reiterated that the High-level Committee on South-South Cooperation was the central multilateral policymaking body in the United Nations system through which to review and

assess global and system-wide progress on and support for South-South cooperation, including triangular cooperation, and to provide overall guidance on future directions. During the intersessional meeting of the High-level Committee, on 4 June 2013, the Group of 77 proposed that the Committee be transformed into a fully functioning Commission on South-South Cooperation. The Group of 77 also proposed to upgrade the United Nations Fund for South-South Cooperation to a fully functioning voluntary trust fund.

39. During the period under review, Member States also called for more systematic and coordinated support for South-South cooperation across the United Nations system. To this end, they renamed the Special Unit for South-South Cooperation the United Nations Office for South-South Cooperation in response to relevant General Assembly resolutions and decisions of the High-level Committee on South-South Cooperation, as well as the Nairobi outcome document of the High-level United Nations Conference on South-South cooperation, in which Conference participants called for more coordinated, coherent and harmonized support to South-South and triangular cooperation across the United Nations system. At the seventeenth session of the High-level Committee, held in May 2012, Member States requested that the Secretary-General provide concrete recommendations for strengthening the United Nations Office for South-South Cooperation to improve its responsiveness, effectiveness and efficiency and enable it to mainstream South-South cooperation across the United Nations system. At the same session, in a further effort to bolster coordinated support for South-South cooperation by the United Nations system, Member States took note of the framework of operational guidelines on United Nations support to South-South and triangular cooperation. In 2013, at the intersessional meeting of the High-level Committee, Member States requested the specialized agencies of the United Nations, as well as its funds, programmes and regional commissions, to implement the guidelines on an experimental basis and report on lessons learned in the process.

40. A number of United Nations agencies have also stepped up their efforts to further mainstream South-South cooperation in their policies, future strategic frameworks, operational activities and budgets. In its new strategic plan for 2014-2017, the United Nations Development Programme (UNDP) proposed that South-South and triangular cooperation be made "core ways of working" in its programmes and operations at the global, regional and country levels. The Food and Agriculture Organization of the United Nations (FAO), in its medium-term plan for 2014-2017, its programme of work and budget for 2014-2015 and its strategic framework, described South-South cooperation as a key instrument for achieving organizational results. The United Nations Population Fund, in its strategic plan for 2014-2017, described South-South cooperation as a focal strategy for development assistance. Similarly, South-South cooperation was emphasized in the strategic framework for 2014-2017 of the United Nations Volunteers and incorporated into the ILO programme and budget for 2014-2015, and was to be mainstreamed in the future programmes of the United Nations Industrial Development Organization (UNIDO) through its operational strategy.

41. In support of global policy dialogues, United Nations system organizations have convened a number forums, high-level conferences and meetings with the aim of facilitating policy debates and knowledge exchanges, fostering consensus-building and monitoring intergovernmental commitments for the promotion of South-South and triangular cooperation. These dialogue forums have included the

high-level meeting of FAO on ending hunger in Africa, which was jointly organized with the African Union and the Lula Institute in June 2013. The forum facilitated the exchange of good practices and lessons in reducing hunger among countries in Africa, Latin America and Asia. It produced a joint declaration in which participants called for unified and focused actions by all partners to end hunger and malnutrition in Africa by 2025, with a road map including commitments to partnership-building, South-South cooperation and resource mobilization. UNIDO facilitated a high-level round-table discussion on South-South cooperation at the 20th Conference of African Ministers of Industry, which contributed to greater awareness and inclusion of South-South cooperation in the declaration of the Conference. The World Intellectual Property Organization organized two interregional meetings on South-South cooperation to discuss issues relating to intellectual property governance, genetic resources, copyright, patents and trademarks. The meetings facilitated experience-sharing on these issues among developing countries and least developed countries and identified possible areas for their future collaboration. In May 2013, the Economic and Social Commission for Asia and the Pacific (ESCAP) brought together the five regional commissions of the United Nations to work collectively on identifying and fostering good practices in South-South cooperation. One example of such interregional collaboration involves the United Nations Special Programme for the Economies of Central Asia, which provides a framework for promoting South-South and triangular cooperation in the Central Asia region. Managed by the Economic Commission for Europe and ESCAP, it includes seven countries in the region.[12] South-South cooperation has featured prominently in recent meetings organized by the Department of Economic and Social Affairs in Addis Ababa, New Delhi and Vienna in preparation for the 2014 Development Cooperation Forum.

42. In addition to their convening role, the specialized agencies, as well as the United Nations funds and programmes, forged partnerships to scale up South-South cooperation in their areas of competence. UNDP has continued to create strategic partnerships with emerging economies and establish centres for sharing knowledge and experience. An innovative collaboration agreement signed in 2013 by FAO, the Brazilian Technical Cooperation Agency and the Brazilian Agricultural Research Corporation has enabled experts from the latter to provide their technical expertise to developing countries through FAO. The United Nations Environment Programme (UNEP) also scaled up its support to South-South cooperation in the context of the implementation of the Convention on Biological Diversity. UNEP launched its South-South Cooperation Exchange Mechanism, which has links with the network of centres of excellence that work towards achieving the aims of the Convention and which supports the implementation of the Multi-Year Plan of Action for South-South Cooperation on Biodiversity for Development.

43. The United Nations system of organizations undertook a number of evaluations of their various South-South cooperation activities during the reporting period. In 2012, UNDP evaluated its contribution to South-South and triangular cooperation during the period 2009-2011. The findings of the evaluation and the management response formed the basis of a clear articulation of South-South cooperation in its strategic plan for 2014-2017. In 2012, FAO conducted an internal review of its 15 years of work, which brought to light areas for improvement in the

[12] Afghanistan, Azerbaijan, Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan.

implementation, monitoring and evaluation of its South-South cooperation programme. Also during the reporting period, UNIDO undertook evaluations of its centres for South-South industrial cooperation in China and India, which brought to light important lessons, including the need to focus on the private sector for funding and technology transfer.

44. Other important areas of support included research on and analysis of South-South cooperation. A number of influential reports were prepared by United Nations system organizations that highlighted the growing potential of South-South and triangular cooperation for supporting sustainable and equitable development in countries of the South. The annual *World Trade and Development Report* and the *World Investment Report* of the United Nations Conference on Trade and Development (UNCTAD) have tracked the "rise of the South" more closely than any other expert body of literature. A number of UNCTAD special reports have cast light on particular aspects of South-South cooperation, including the development of biofuels and the growth of international trade in organic foods. In 2013, ECA, in collaboration with the African Union Commission, published a report that brought to light the opportunity for African countries to create jobs and promote economic transformation through a commodity-based industrialization.

45. The United Nations Office for South-South Cooperation has institutionalized its three-in-one multilateral South-South support architecture comprising the Global South-South Development Academy, the Global South-South Development Expo and the South-South Global Assets and Technology Exchange. The Academy, which provides knowledge products and services, has enabled development partners to gain access to more than 13,000 Southern experts and information about over 300 successful experiences in all areas of the Millennium Development Goals. With the co-sponsorship and active participation of 25 organizations of the United Nations, the 2012 Expo, hosted by UNIDO, once again served as a powerful system-wide platform for thinking as one, acting as one and delivering as one. At the Expo, some 1,000 champions and practitioners of South-South and triangular cooperation from the public and the private sectors showcased and were involved in around 60 of the most successful sustainable development solutions, with the aim of increasing their scale. The South-South Global Assets and Technology Exchange, with its current listing of over 4,000 transferable technologies in low-cost housing, agriculture, health, renewable energy and the environment, has added a dedicated new service to help to match demand with the supply of policy and technology solutions that could make significant contributions to the Every Woman, Every Child initiative.

C. Private sector and civil society

46. Corporations based in developing countries have driven the South-South agenda on a larger scale and more effectively than any other interest group, but they have also contributed to unsustainable patterns of resource extraction with little or no diversification of local economies. Giant corporations based in the South that trade commodities, manufacture a range of consumer goods and construct everything from factories and roads to dams and railways have been the most visible face of cooperation among developing countries. In contrast, a cloak of invisibility rests over the myriad small and medium-sized enterprises that carry on the small trade that gives weight to neighbourly relations among developing countries. For

instance, such enterprises are primarily responsible for pushing the share of manufactured items in intra-African trade up to 60 per cent. In the Asia-Pacific region, there is increasing recognition that, in any strategy for a rapid expansion of South-South trade in goods and services, especially tourism, such enterprises must have a key role. The secretariat of ESCAP has established a task force to work on a strategy for collaboration with the private sector.

47. Governmental recognition that South-South links are the most vital when driven by market forces is reflected in the institutions that they have established to promote that involvement. Both China and India have export-import banks that support trade with other developing countries. In the Middle East, there is the $44 billion Islamic Development Bank, established by the Organization of Islamic Cooperation in Jeddah, Saudi Arabia. The portfolio of loans and investments of the Bank is spread over many Islamic countries in Africa and Asia. The $9 billion Arab Fund for Economic and Social Development provides soft loans to Governments and both public and private corporations.

48. Civil society organizations have a unique and irreplaceable role across the entire gamut of South-South cooperation. They are most valuable in energizing and empowering those who would otherwise be left out of the ambit of development and in raising moral and ethical issues that otherwise might receive no attention. Although traditionally not for profit, many civil society organizations use the logic of the market to design their projects to be economically sustainable. For instance, the organization Innovation: Africa promotes the use of solar energy using a micro-business model from Israel to establish its facilities in rural schools, orphanages, medical clinics and water pumping systems in East Africa. To date, every one of its 63 projects generates enough income to fund its own maintenance and is remotely monitored by technicians to minimize the cost of field trips.

49. Another example of how non-profit organizations adopt for-profit models is the Arusha-based East African Business Council, comprising 191 members, including umbrella associations, which aims to become integrated into the East African Community by lobbying Governments for the creation of a statistical bureau and lobbying institutions on the issues of economic surveillance, compliance and enforcement.

50. Community groups in Ghana, Guinea, Guinea-Bissau, Liberia, Mauritania, Senegal and Sierra Leone are part of a regional programme supported by the World Bank to protect the rich biodiversity of coastal fisheries. The fishing industry in those countries is estimated to generate annual revenues of $4.9 billion and support in total some 10 million African livelihoods.

51. A network established by the Ethiopian Cities Association is helping administrators in 28 Ethiopian urban areas to exchange experiences and lessons learned on issues such as slum upgrading and the implementation of urban renewal plans.

V. Recommendations

52. **The world is in a period of epoch-making political, economic and technological transitions marked by global power balances and advanced technologies that offer new opportunities for South-South cooperation to be**

directed towards the most urgent task of eliminating poverty. To leverage the emerging opportunities that South-South cooperation presents and minimize related risks, Member States may wish:

(a) To consider the measures needed to strengthen the governance of South-South cooperation in the United Nations system by updating the composition and working arrangements of the High-level Committee on South-South Cooperation;

(b) To foster complementarities between North-South and South-South cooperation through greater evidence-based policy dialogue on strategic cross-cutting issues, such as the provision of public goods and the application of science, technology and innovation to the pursuit of sustainable development;

(c) To boost multilateral forms of South-South cooperation through financial contributions to the United Nations Fund for South-South Cooperation and urge the United Nations Office for South-South Cooperation and other United Nations entities to leverage one another's strengths to bring South-South and triangular cooperation into the mainstream of their operational activities for development;

(d) To strengthen the existing institutions for the management of South-South cooperation and establish new mechanisms, where necessary, in order to better address the aspirations of the South for a greater voice and to translate South-South solidarity into practical actions to deal with infrastructure deficits and the rapid demographic shifts in the South that require new solutions to meet the needs of billions of people who still lack electricity, clean water, sanitation and many other essential goods and services;

(e) To increase support for triangular cooperation, focusing on shared development priorities and with the involvement of Northern and Southern partners in Government, civil society and the private sector;

(f) To strengthen the coherence and coordination of United Nations support to South-South cooperation by increasing the human and other resources to improve the effectiveness of the United Nations Office for South-South Cooperation in the provision of secretariat services to the High-level Committee on South-Scuth Cooperation and in liaising with other organizations and agencies of the United Nations system, in order to spur the implementation of the framework of operational guidelines on United Nations system support to South-South and triangular cooperation.

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The rule of law at the national and international levels

Strengthening and coordinating United Nations rule of law activities

Report of the Secretary-General

Summary

The present report, submitted pursuant to General Assembly resolution 67/97, highlights key achievements and challenges in the rule of law at the national and international levels over the past year. It is illustrative of the wide range of rule of law activities undertaken by United Nations entities and includes examples of concrete projects and initiatives aimed at strengthening specific aspects of the rule of law. The report also contains information on the measures taken to enhance coordination and coherence within the United Nations with regard to the rule of law and introduces the activities carried out further to the Declaration of the high-level meeting of the General Assembly on the rule of law at the national and international levels adopted by the Assembly in resolution 67/1.

* A/68/150.

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I. Introduction

1. The present report is submitted pursuant to General Assembly resolution 67/97, in which the Assembly requested the Secretary-General to submit his annual report on United Nations rule of law activities. The report includes information on the work of the Rule of Law Coordination and Resource Group and the Rule of Law Unit, as well as on the activities of the members of the Group. In addition, it includes information on the activities of other United Nations entities with important rule of law components in their mandate. This broadened scope aims to better reflect a system-wide approach to the rule of law.

2. The sixty-seventh session of the General Assembly marked an important milestone in the development of a coherent approach to the rule of law. The high-level segment of 24 September 2012 was devoted to the first plenary meeting on the topic "The rule of law at the national and international levels". This high-level meeting was attended by more than 65 Presidents and Ministers of Government and 79 statements were delivered by representatives of Member States and observers, representatives of civil society and United Nations entities. Forty-one Member States and observers (including the European Union and the International Development Law Organization) made a total of 419 pledges to strengthen specific aspects of the rule of law in their own countries and to assist others in strengthening theirs.

3. In the Declaration of the high-level meeting of the General Assembly on the rule of law at the national and international levels adopted by the Assembly in resolution 67/1, Member States reaffirmed their commitment to the rule of law, as "an indispensable foundation for a more peaceful, prosperous and just world". In the Declaration they stressed the interrelationship between the rule of law and the three pillars of the Organization: peace and security, human rights and development. In particular, they called for the rule of law to be considered on the international development agenda beyond 2015. The Declaration acknowledges the many voluntary pledges received from Member States aimed at strengthening the rule of law and encourages more pledges to be made in the future.

II. Promotion of the rule of law at the international level

4. At the international level, the rule of law accords predictability and legitimacy to the actions of States, strengthens their sovereign equality and underpins the responsibility of a State to all individuals within its territory and subject to its jurisdiction. Full implementation of the obligations set forth in the Charter of the United Nations and in other international instruments, including the international human rights framework, is central to collective efforts to maintain international peace and security, effectively address emerging threats and ensure accountability for international crimes.

A. Codification, development and promotion of an international framework of norms and standards

5. The United Nations continues to be instrumental to the development and promotion of international norms and standards. The Optional Protocol to the

International Covenant on Economic, Social and Cultural Rights entered into force on 5 May 2013. It establishes a communications procedure for the Committee on Economic, Social and Cultural Rights on violations of rights under the Covenant. To date, the Optional Protocol has been ratified by 10 States.

6. The United Nations Convention on the Use of Electronic Communications in International Contracts entered into force on 1 March 2013. This instrument aims to enhance legal certainty and commercial predictability in the use of electronic communications in relation to international contracts.

7. The Arms Trade Treaty was adopted by the General Assembly in resolution 67/234 B in April 2013 and is open for signature until its entry into force. Likewise, on 19 January 2013, the intergovernmental negotiating committee to prepare a global legally binding instrument on mercury agreed to the text of the Minamata Convention on Mercury. The Convention will be presented for adoption and opened for signature in October 2013.

8. The United Nations Convention on the Law of the Sea marked its thirtieth anniversary in 2012 and three additional States became parties. Seven new States became parties to the United Nations Convention against Corruption. Other ratifications or accessions to treaties include eight new States parties to the United Nations Convention against Transnational Organized Crime; six new States parties to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime; six new States parties to the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime; eight new States parties to the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime; thirteen new contracting States to the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity; twelve new contracting States to the Nagoya-Kuala Lumpur Supplementary Protocol on Liability and Redress to the Cartagena Protocol on Biosafety to the Convention on Biological Diversity; and four new States parties to the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict. Progress towards universal ratification of the Protocol indicates an international consensus for strengthening the legal protection of children, including by prohibiting the recruitment and use of children under the age of 18 by both armed forces and armed groups.

9. Three States acceded to the Convention relating to the Status of Stateless Persons and six to the Convention on the Reduction of Statelessness. In October 2012, the Office of the United Nations High Commissioner for Refugees (UNHCR) launched the Guidelines on the Applicable Criteria and Standards relating to the Detention of Asylum-Seekers and Alternatives to Detention, providing guidance on the necessity of detaining a particular individual, procedural safeguards, conditions of detention and alternatives to detention. The African Union Convention for Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention) entered into force in December 2012, after eight States ratified it in 2012.

10. In July 2013, the United Nations Commission on International Trade Law (UNCITRAL) adopted the Rules on Transparency in Treaty-based Investor-State Arbitration and the revised Arbitration Rules, the Guide on the Implementation of a Security Rights Registry, the Guide to Enactment and Interpretation of the Model Law on Cross-Border Insolvency and part four of the Legislative Guide on Insolvency Law on the obligations of directors in the period approaching insolvency, and took note of the updates to the Model Law on Cross-Border Insolvency: the Judicial Perspective.

11. The Committee against Torture adopted its general comment No. 3 (2012) on the content and scope of the obligations under article 14 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, regarding the right of victims to obtain redress (CAT/C/GC/3). The Working Group on Arbitrary Detention adopted deliberation No. 9 on the definition and scope of arbitrary deprivation of liberty under customary international law, concluding that the prohibition of all forms of arbitrary deprivation of liberty constitutes a peremptory or *jus cogens* norm (A/HRC/22/44). The Working Group on Enforced or Involuntary Disappearances adopted general comments on children and enforced disappearances and women affected by enforced disappearances (A/HRC/WGEID/98/1 and A/HRC/WGEID/98/2).

12. The Committee on the Elimination of Discrimination against Women is working on the formulation of general recommendations on women in conflict and post-conflict situations, asylum, refugee status and statelessness and women's access to justice. To support this effort, the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) organized regional consultations on women in conflict to provide input to the Committee, based on the actual challenges and experiences of each region, and the United Nations Development Programme (UNDP), UN-Women, UNHCR and OHCHR supported a general discussion on women's access to justice in Geneva in February 2013.

13. In December 2012 in resolution 67/187, the General Assembly adopted the United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems. To support their implementation, the United Nations Office on Drugs and Crime (UNODC) and UNDP are developing tools, studies and plans for technical assistance.

B. International courts and tribunals

14. Judicial settlement is an important mechanism available to Member States for the peaceful settlement of their disputes and the International Court of Justice, the principal judicial organ of the United Nations, has a prominent role in this regard. Through its judicial work, the Court makes a significant contribution to the clarification and development of international law. Currently there are 11 cases pending before it. During 2012, the Court rendered four judgments in contentious cases and one advisory opinion. Since the beginning of 2013, the Court has delivered one judgment.

15. The Secretary-General has launched a campaign to broaden the jurisdiction of the Court. Sixty-nine Member States have recognized the compulsory jurisdiction of the Court, while Italy is considering doing so. The Office of Legal Affairs continues

its efforts to make the role of the Court better known and understood, convening annual seminars in New York involving members of the Court and delegates. It is also compiling a database of reservations to compromissory clauses in international treaties deposited with the Secretary-General, so that Member States may consider their possible withdrawal.

16. The International Tribunal for the Law of the Sea handled four cases in 2012. These involved maritime delimitation, requests for the release of detained vessels and claims for damages arising out of the arrest of vessels. It currently has one case and one request for an advisory opinion on its docket.

C. International and hybrid criminal courts and tribunals

17. There are currently 122 States parties to the Rome Statute of the International Criminal Court and 7 of them have ratified the amendment on the crime of aggression. The United Nations continues to cooperate with the Court, in particular by providing logistical support to its field operations and information and evidence in response to requests from the Prosecutor and from defence counsel. The Secretary-General has issued comprehensive guidelines governing interaction between United Nations representatives and persons who are subject to arrest warrants or summonses issued by the Court.

18. In the past year, the Court has issued its second judgment, acquitting Mathieu Ngudjolo Chui on charges of crimes against humanity and war crimes. A third judgment is expected to be issued shortly against Mr. Ngudjolo's former co-accused, Germain Katanga. In July 2012, the Court sentenced Thomas Lubanga to 14 years of imprisonment having found him guilty of enlisting and conscripting children under the age of 15 and using them to participate in active hostilities in 2002-2003 in the Democratic Republic of the Congo. In August, in the same case, the Court issued its first decision on the principles to be applied to reparations for victims. The United Nations disclosed a considerable body of information and material for use in these two trials. The Prosecutor also commenced investigations in Mali, the eighth country situation for the Court and the Organization has been providing assistance to the investigators.

19. It is expected that by the end of September 2013 the Special Court for Sierra Leone will deliver its appeal judgment in the case of the former President of Liberia, Charles Taylor, who was convicted for planning, aiding and abetting war crimes and crimes against humanity. Upon the closure of the Special Court, the Residual Special Court for Sierra Leone will carry on the residual functions of the Special Court, such as sentence enforcement, witness protection and preservation of archives. It will be important for Member States to support the Residual Special Court financially so that it can carry out its work.

20. The International Criminal Tribunal for Rwanda has completed all its trials and is now only hearing appeals. Consistent with the principle of complementarity, it has referred several cases, including those involving low-level fugitives, to Rwanda for prosecution. The Arusha branch of the International Residual Mechanism for Criminal Tribunals became operational as of 1 July 2012 and will hear some appeals and contempt of court cases from the Tribunal for Rwanda. The International Criminal Tribunal for the former Yugoslavia continues to conduct both trials and

appeals. The branch of the Residual Mechanism in The Hague commenced operations on 1 July 2013.

21. The trial in the second case and the investigation in the third and fourth cases at the Extraordinary Chambers in the Courts of Cambodia are ongoing. Earlier this year, Ieng Sary, one of the accused persons in the second case passed away. The Extraordinary Chambers continue to face significant funding shortfalls that jeopardize their ability to complete the remaining proceedings. The failure of the Chambers at this juncture would be a devastating setback to the promotion of the rule of law and the fight against impunity. The General Assembly decided in 2003 that the Chambers would be funded from voluntary contributions. Member States are encouraged to honour this collective decision and step forward to help fund this historic endeavour.

22. Lastly, following the extension of its mandate last year, the Special Tribunal for Lebanon has been preparing for the trial in absentia of the four persons indicted for the assassination of the former Prime Minister of Lebanon, Rafik Hariri.

D. Non-judicial and Security Council accountability and support mechanisms

23. International commissions of inquiry and fact-finding missions provide authoritative and impartial accounts of serious human rights situations and recommendations that can prevent further violations and help to ensure accountability. The mandate of the independent international commission of inquiry on the Syrian Arab Republic was recently extended by the Human Rights Council in resolution 21/26. The commission submitted its fourth report to the Council in February 2013 (A/HRC/22/59).

24. In March 2013, in its resolution 22/13, the Human Rights Council established a commission of inquiry to investigate the systematic, widespread and grave violations of human rights in the Democratic People's Republic of Korea. UN-Women, in partnership with the intergovernmental roster, Justice Rapid Response, has deployed investigators into sexual and gender crimes to the commissions of inquiry on the Syrian Arab Republic and the Democratic People's Republic of Korea and is working to ensure that all commissions have the investigative expertise on gender crimes that they require to fulfil their mandates.

25. The mandate of the International Commission against Impunity in Guatemala was extended until September 2015. It is an initiative of the Government of Guatemala and the United Nations to support investigations and prosecutions of crimes allegedly committed by illegal security forces and clandestine security organizations.

26. Within the framework of the monitoring and reporting mechanism on grave violations against children in situations of armed conflict established by the Security Council in resolution 1612 (2005), a total of 14 action plans are being implemented with parties to conflict in nine countries. Four of these were signed in 2012 with parties to conflict listed as perpetrators of grave violations in the annual report of the Secretary-General on children and armed conflict: two in Somalia, one in the Democratic Republic of the Congo and one in Myanmar. The action plan in the Democratic Republic of the Congo is the first also to address sexual violence

against children in armed conflict. On 17 June 2013, the Special Representative of the Secretary-General for Children and Armed Conflict announced a campaign, to be led in cooperation with the United Nations Children's Fund (UNICEF) and OHCHR, aimed at providing support to national security forces to end the recruitment of children in conflict by 2016.

27. Pursuant to the reporting mandate established under Security Council resolution 1960 (2010), parties credibly suspected of committing or being responsible for patterns of sexual violence were identified in the Central African Republic, Côte d'Ivoire, the Democratic Republic of the Congo, Mali and the Syrian Arab Republic. To address sexual violence in conflict and post-conflict contexts, the Special Representative of the Secretary-General on Sexual Violence in Conflict signed joint communiqués with the Governments of the Central African Republic, the Democratic Republic of the Congo and Somalia. These joint communiqués focus on areas such as support to the police and judiciary on investigation and prosecution of conflict-related sexual violence, assistance on legislative reform and addressing sexual violence in security sector reform. In addition, in order to further assist in addressing rule of law issues in conflict contexts, a senior women's protection advisor will be deployed shortly in South Sudan to join those already in place. Other women protection advisors are to be deployed in the Central African Republic, Côte d'Ivoire, the Democratic Republic of the Congo, Mali and Somalia. To promote the implementation of Security Council resolution 1325 (2000), five African countries adopted national action plans, demonstrating increasing commitment to the agenda on women, peace and security in the subregion.

E. Strengthening of the rule of law at the regional level

28. Regional efforts to strengthen the rule of law allow States to address common challenges and threats. In 2013, UNODC is launching three regional programmes, in addition to the seven already in place, for Southern Africa, South Asia and the Caribbean. These programmes were identified jointly through a consultative process involving regional experts and Governments to ensure regional and national ownership.

29. The normative and operational framework for the prevention of atrocity crimes was strengthened by two regional initiatives: the Regional Committee on the Prevention and Punishment of Genocide, War Crimes and Crimes against Humanity and all forms of Discrimination of the International Conference on the Great Lakes Region and the Latin American Network for Genocide and Mass Atrocity Prevention, which was established by 18 States as a forum for the exchange of good practices on dealing with the past.

30. Since its establishment in January 2012, the UNCITRAL Regional Centre for Asia and the Pacific has been assessing needs and mapping existing projects relating to trade law reform with a view to increasing coordination. In cooperation with the Association of Southeast Asian Nations (ASEAN) and the United Nations Conference on Trade and Development (UNCTAD), the Centre has assisted with efforts towards harmonization of e-commerce laws using UNCITRAL texts as standards. The Centre has also been promoting adherence by States in the region to the Convention on the Recognition and Enforcement of Foreign Arbitral Awards.

F. Rule of law and transnational threats

31. The United Nations continues to ensure that the fight against terrorism is high on its agenda. The United Nations Counter-Terrorism Implementation Task Force was established to bring coordination and coherence to the counter-terrorism work of the Organization and support implementation of the Global Counter-Terrorism Strategy. The Integrated Assistance for Countering Terrorism Initiative (I-ACT Initiative), which seeks to assist efforts by Member States to implement the Global Strategy in an integrated manner and to ensure greater coherence and efficiency in technical assistance delivery, was launched in Burkina Faso and Nigeria and includes a focus on capacity-building for law enforcement and criminal justice officials. The Working Group on Protecting Human Rights while Countering Terrorism of the Counter-Terrorism Implementation Task Force launched a project to develop national curricula for law enforcement agencies in the Middle East, North Africa and the Sahel on human rights, the rule of law and the prevention of terrorism. A series of basic human rights reference guides will be published on international human rights law, the rule of law and best practices on the right to a fair trial and due process guarantees in the context of counter-terrorism.

32. Through the West Africa Coast Initiative, the Department of Political Affairs, the Department of Peacekeeping Operations, UNODC, the United Nations Office for West Africa and INTERPOL have been supporting the implementation of the regional action plan on combating transnational organized crime and drug trafficking of the Economic Community of West African States, covering Côte d'Ivoire, Guinea, Guinea-Bissau, Liberia and Sierra Leone.

33. Cross-border recruitment of children by armed groups continues to be of concern, including between Afghanistan and Pakistan, Burkina Faso and Mali, Côte d'Ivoire and Liberia. In 17 countries, UNICEF supported Governments to develop stronger legislative frameworks, policies and standards to combat child trafficking. Human trafficking laws were developed or passed in Belize, the Plurinational State of Bolivia, Cambodia, Maldives and Papua New Guinea, among other countries.

34. Environmental crimes pose a security and safety threat to many countries and have a significant negative impact on sustainable development and the rule of law. In decision 27/9 on advancing justice, governance and law for environmental sustainability, adopted by the Governing Council of UNEP at its first universal session, in February 2013, Governments noted that offences against the environment are increasingly committed by organized criminal groups and recalled that international cooperation in accordance with international law, while respecting national jurisdictions, contributes to combating those offences more effectively.

35. Illegal wildlife trade in several African countries threatens the survival of elephants and rhinos. UNEP has worked in close cooperation with INTERPOL, UNODC and other relevant bodies to combat these illegal activities. In April 2013 the UNODC Commission on Crime Prevention and Criminal Justice adopted a resolution on wildlife crime urging its seriousness and calling for increased international cooperation.

III. United Nations approach to the rule of law at the national level

A. Legal frameworks

36. According to the definition of the rule of law set out by the Secretary-General, laws must be publicly promulgated, equally enforced and independently adjudicated and consistent with international human rights norms and standards. Consequently, the United Nations supports Member States in the drafting of constitutions, laws and regulations. For example, to foster the full incorporation of women's rights into the constitution of South Sudan, UN-Women provided technical support for the development of a gender analysis of the transitional constitution and the promotion of women's participation and citizenship. Likewise, in Zimbabwe support to women's organizations contributed to the inclusion of women's rights and the elimination of discriminatory provisions in the new draft constitution.

37. The UNCITRAL secretariat has continued assisting States with the drafting of national legislation on international commercial law matters. During the last year, it advised on draft legislation on arbitration in the Cook Islands, the State of Palestine, Qatar and Slovakia; on mediation in Egypt; on electronic communication and transactions in Botswana; and on a draft pledge and pledge registration law in the Russian Federation. It also advised the Governments of Jamaica, Kazakhstan, Kyrgyzstan, Mongolia, Tajikistan and Trinidad and Tobago on the reform of their public procurement regulatory frameworks.

38. Other efforts include UNDP assistance to the drafting of a legal aid law in Montenegro; UNODC and OHCHR assistance to Myanmar in revising the draft prison law; UNODC support to the revision of the prison law in Afghanistan and the drafting of anti-corruption legislation in the Sudan and Myanmar.

39. The UNODC Global Programme against Money-Laundering, Proceeds of Crime and the Financing of Terrorism has developed two model laws to address money-laundering and terrorist financing. They were used to assist the Governments of Mongolia, Palau and Zimbabwe. UNODC has also developed a Juvenile Justice Model Law and related commentary, which was used to assist a number of countries in the development of legislation to promote and protect the rights of children in conflict with the law.

40. UNICEF worked in at least 112 countries to improve legal and policy frameworks and advocacy around child protection. Seventeen Governments were supported in the development or amendment of criminal procedural codes related to children in conflict with the law. The development of policies, legislation and standards for the provision of care and protection services were supported in 6 countries and 35 countries were supported in the development or monitoring of standards relating to alternative care.

41. Regarding nationality laws, UNHCR provided advice to seven countries. To address the issue of statelessness arising as a result of gender discrimination in nationality laws, UNHCR published an overview which showed that 29 countries retain provisions that limit the right of women to transmit nationality to their children. Six countries received support on formal statelessness determination procedures and three on legislative and policy reviews regarding asylum.

42. In the area of conflict-related sexual violence, the team of experts created by the Security Council in resolution 1888 (2009) provided advice in the Democratic Republic of the Congo on draft legislation and guidelines on a specialized court; in South Sudan on the transitional constitution and on the identification of legislative reform priorities; and in Colombia on a draft law on access to justice for victims of sexual violence and on guidelines for the Ministry of Defence on how police and military officers should address conflict-related sexual violence.

43. United Nations special political missions and peacekeeping operations also provided assistance to Governments with their legal frameworks. For example, the United Nations Assistance Mission in Afghanistan is assisting the Government of Afghanistan to redraft the criminal code and the United Nations Stabilization Mission in Haiti (MINUSTAH) is assisting the Government there to draft new criminal and criminal procedure codes and legislation on money-laundering and terrorism. In Libya, the United Nations Support Mission supported the drafting of a law to address jurisdictional conflicts between the civilian and military justice systems and the United Nations Mission in South Sudan (UNMISS) assisted the Government with the development of legislation on arms and a review of legislation on police, corrections and the army, as well as with the constitutional review process.

44. UNEP is working in 11 countries with a view to strengthening their environmental legislation. It has also produced guidance materials for decision makers to assist them in developing policies and legislation to address issues related to water, energy and adaptation to climate change.

B. Police, justice and corrections

1. Capacity development and institutional strengthening

45. The United Nations continues to support the strengthening of the human and institutional capacities of justice systems, the police and corrections services. Part of this effort is accomplished through training activities, examples of which include support to the establishment of a judicial training centre in Guinea-Bissau; a capacity development programme for township judges in Myanmar; anti-corruption training programmes for prison officers in Somalia; training of military police and army personnel on command responsibility, investigations and accountability in South Sudan; and training on justice for children in 48 countries. Training on how to deal with sexual abuse against children was carried out in Malaysia, Mozambique and Uruguay and in the Sudan, police officers, prosecutors and social workers were trained on standard operating procedures for family and child protection units.

46. Independent, efficient and competent judicial systems are the backbone of the rule of law, providing legitimate means to solve conflicts, ensure accountability and provide redress. The United Nations provides a broad range of support from assisting justice sector reform to supporting specific needs. In Haiti, MINUSTAH and UNDP are providing technical assistance to the newly established Superior Council of the Judiciary. In Iraq, support to court case management, information technology systems, operations, court accessibility and awareness-raising campaigns has increased the efficiency of the justice system in Baghdad, Basra and Erbil. The United Nations Integrated Mission in Timor-Leste (UNMIT) provided the Government with a comprehensive road map for justice and legislative reform.

UNODC supported the criminal justice systems of Kenya, Mauritius, Seychelles and the United Republic of Tanzania to ensure fair and efficient trials for piracy suspects and their secure and humane detention and imprisonment. UNDP supported justice sector-wide approaches in a range of countries such as Bangladesh, the Lao People's Democratic Republic, Liberia, Malawi, Mauritius, Mozambique, Nepal, Pakistan, Somalia and Timor-Leste.

47. The fight against impunity for sexual and gender-based crimes requires special efforts tailored to the distinct nature of the crime and the specific challenges it presents. In the Democratic Republic of the Congo, the team of experts on the rule of law/sexual violence supported national efforts to investigate and prosecute sexual violence crimes, including through the prosecution support cells, supported by the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) which, as of May 2013, had assisted the military justice authorities to conduct a total of 19 mobile courts. Of 243 cases concluded, 167 related to sexual violence. In the Dominican Republic, UNICEF and the United Nations Population Fund (UNFPA) supported the Office of the Attorney General in the establishment of management models for victims of gender-based violence, domestic violence and sexual crime units. In the Sudan, the African Union-United Nations Hybrid Operation in Darfur (UNAMID) has partnered with UN-Women to run training workshops on sexual and gender-based violence aimed at enhancing the capacity of customary court judges and paralegals.

48. Support to the strengthening of security sector institutions is an important component of a comprehensive approach to the rule of law. In El Salvador, 27 municipalities have received UNDP support to implement citizen security plans to reduce violence. According to official Government data, these efforts have resulted in an average reduction of armed violence incidents by 41.5 per cent and a recorded increase in confidence in local security institutions.

49. Reliable and effective police services, operating strictly according to human rights principles and standards and adhering to the rule of law, are essential for the maintenance of security and for ensuring the legitimacy of law enforcement functions. In Afghanistan, UNDP worked with the Ministry of Interior to upgrade, establish and staff police call centres. In Timor-Leste, a police capacity-building initiative supported by UNMIT and UNDP resulted in the effective prevention of security incidents during the elections in 2012. The specialized skills and knowledge required to deal with specific offences are also part of United Nations efforts. For example, in Guatemala, UNICEF supported the establishment of a police unit to investigate sexual violence against children; in Palestine, UN-Women supported the civil police in the development of a strategy and regulations for family protection and is also supporting increased police capacities to respond to violence against women in Anguilla, Antigua and Barbuda, the Dominican Republic, Ethiopia, Kenya and Thailand.

50. Prison systems need to provide for reliable implementation of judicial decisions, while at the same time ensuring living conditions respectful of human dignity and in conformity with human rights. The United Nations Operation in Côte d'Ivoire (UNOCI) provides support and advice to the national prison administration focused on prison management, staffing and capacity-building, regulatory frameworks and refurbishment and rehabilitation of prisons. In the Democratic Republic of the Congo, MONUSCO provides daily mentoring support to the

national authorities on improving conditions in 24 prisons; it also provides periodic monitoring and advisory support to approximately 60 more prisons. In the Sudan, UNAMID and UNDP continue to strengthen the prison system through training national officers in human rights approaches to prison management, projects to support improvements in living conditions and rehabilitation programmes to prepare prisoners for reintegration. UNODC has provided technical advice and implemented comprehensive prison reform programmes in around 20 countries, with a focus on legislative assistance, capacity-building measures for prison staff and rehabilitation programmes.

2. Access to justice

51. To make the rule of law a reality beyond the formal establishment of institutions, judicial systems need to be fully accessible to all individuals and groups. A major obstacle to access is the cost involved in legal advice and legal representation services. To address this obstacle, the United Nations implements a wide variety of projects focused on providing legal aid. In Gaza, UNDP has continued to support a legal aid network that provides an array of legal services, including representation, litigation, mediation and arbitration. In Pakistan, UNDP established a total of 124 mobile legal aid clinics. In 2012, these clinics were attended by 5,429 people, and legal representation was provided for 123 community members. In South Sudan, UNMISS and UNDP support the mobile court initiative, designed to increase access to justice in remote areas and reduce case backlogs. In the Sudan, UNAMID and UNDP have supported the establishment of legal aid desks in Darfur prisons. Over 500 prisoners have benefited from this programme.

52. The United Nations has also implemented legal aid projects targeted at specific groups of persons. For example, in Zimbabwe, UNICEF developed a strategy to support children in conflict with the law through legal aid and social assistance; in Mozambique UNDP assisted the Ministry of Justice in strengthening access to free legal aid, reaching 3,647 persons in pretrial detention. Displaced persons and refugees face particular challenges in obtaining access to justice. The United Nations Relief and Works Agency for Palestine Refugees in the Near East is implementing a three-year legal aid project to enhance access to justice for Palestinian refugees in Lebanon and UNHCR has intensified its efforts to provide legal assistance and counselling on sexual and gender-based violence in a number of countries, including Burundi, Djibouti and Uganda.

53. Work has also been done on the development of tools on access to legal aid. UNODC, UNDP and the Open Society Justice Initiative are developing a handbook to assist Member States in designing early-access schemes to legal aid in criminal investigations and proceedings. UNEP, with the United Nations Institute for Training and Research, is working on a tool for the development of national legislation on access to information, public participation and access to justice in environmental matters.

54. Women face particular obstacles to full access to justice and measures should focus on enabling them to claim their rights, seek protection and redress and settle disputes in conditions of real — and not only formal — equality. In Libya, the United Nations provided a forum to discuss challenges facing women's access to justice. UN-Women is supporting projects on access to justice for women in over 45 countries. A study led by UN-Women maps the range of activities being undertaken

by the entities of the Rule of Law Coordination and Resource Group at Headquarters and in more than 30 countries affected by conflict. The study will inform strengthened programming on women's access to justice.

55. In 2012, UNICEF supported approximately 94 countries on the development of systems for accessible and equitable justice for children, to ensure that children have access to legal counsel and support services and that procedural and administrative safeguards exist to ensure due process and child rights govern the management of cases of children engaging with legal systems in all situations, not just as alleged offenders. In the Sudan, for example, 13,500 children received a full range of social, medical and legal assistance through family and child protection units.

56. OHCHR has supported a number of initiatives to increase access to justice for indigenous peoples, including hosting a panel of experts at the twenty-first session of the Human Rights Council; an expert seminar on access to justice for indigenous peoples; and a study on access by the Expert Mechanism on the Rights of Indigenous Peoples. In the field, the OHCHR office in Guatemala has developed a programme to support the use of litigation by indigenous peoples to protect their rights.

3. Informal justice systems

57. In many countries, informal justice systems play an important role in the resolution of conflict and disputes, as they are ingrained in community traditions and their decisions can therefore be perceived as more in harmony with the culture. They are also more accessible and less costly than formal justice systems. It is essential, however, to ensure that their functioning is compatible with human rights and that their relationship with the formal justice system does not create further conflict. To guide the work of the United Nations in this area, in 2012 UNDP, UN-Women and UNICEF published a study which provides a framework for development engagement in informal justice systems. This study is the most comprehensive United Nations study in this area to date, drawing conclusions and recommendations based on research in 18 developing countries. In the Sudan, UNAMID and UN-Women are conducting training workshops to enhance the capacity of customary court judges and paralegals to better protect women and children from sexual and gender-based violence.

C. Other activities aimed at capacity development and institutional strengthening

58. Capacity-building activities related to the rule of law are wide in scope and go beyond the traditional areas of law reform and the strengthening of justice and law enforcement institutions. For example, supporting increased birth registration is an important step in ensuring the protection of children's rights and their access to services. UNICEF continues to be involved in the development of birth registration in 81 countries where, over the last year, 29.5 million children had their births registered. UNHCR supported birth registration activities in reaching refugee settlements, including in Kenya and Zambia. Whilst many countries have seen a rise in overall rates of birth registration, reaching the most vulnerable remains a challenge.

59. Prevention and response to violence against children, including sexual violence and abuse, forced marriage and maltreatment, remains an important focus area of United Nations assistance. In Guinea-Bissau, this focus has led to an increase in investigations. In Kyrgyzstan, 300 child victims and witnesses of violence and abuse have benefited from consultation and rehabilitation. In Nepal, 1,027 paralegal committees were established in 59 districts to assist in the prevention of, and response to, violence against women and children.

60. Corruption undermines the rule of law and affects the legitimacy and efficacy of State institutions. UNODC has worked closely with Governments to enhance their capacity to develop effective national anti-corruption strategies. In Libya, the United Nations assisted the National Transitional Council in adopting legislation establishing a national anti-corruption commission. In Timor-Leste, the United Nations assisted the Anti-Corruption Commission, through embedded expertise, in undertaking a self-assessment of the country's compliance with the United Nations Convention against Corruption. Efforts to tackle corruption also included a panel discussion at the Human Rights Council in which the links between anti-corruption and human rights were explored.

61. National human rights institutions strengthen the capacity of the State to implement international human rights obligations. The United Nations supported the establishment of the High Commission for Human Rights in Iraq. National human rights institutions and government officials from 48 countries have received training supported by the Office of the Special Adviser to the Secretary-General on the Prevention of Genocide, in partnership with the Auschwitz Institute for Peace and Reconciliation. UNDP also supports the capacities of national human rights institutions in a range of countries. In Asia, for example, it has projects in Afghanistan, Bangladesh, Maldives, Mongolia, Nepal, Philippines, Sri Lanka and Timor-Leste.

62. UNCITRAL continued to organize capacity development and training activities on international commercial law matters. It cooperated with the International Training Centre of the International Labour Organization (ILO) in the delivery of the Masters course on public procurement for sustainable development and the Master of Laws course in international trade law. UNCITRAL also contributed to the preparation of a judicial training programme in Georgia in the field of international commercial arbitration. It also assisted with preparing draft arbitration rules for arbitral institutions, including at the request of the Stockholm Chamber of Commerce.

63. The capacity of States to implement their environmental obligations has also been enhanced through targeted capacity-building, training and awareness-raising programmes at the national and regional levels in African, Caribbean and Pacific countries. A project funded by the European Union supported 10 countries in Africa in the development of multi-stakeholder collaboration strategies on multilateral environmental agreements and three of the Federated States of Micronesia in the development of integrated guidelines for environmental impact assessments.

D. Transitional justice

64. Transitional justice mechanisms and processes contribute to the strengthening of the rule of law and the rebuilding of trust and confidence in State institutions.

United Nations assistance in this area covers national consultations, truth-seeking, judicial accountability mechanisms, legal reforms and reparations programmes in over 25 countries.

65. OHCHR continued its engagement in monitoring, promoting and supporting transitional justice processes initiated in the Middle East and North Africa Region. In November 2012, OHCHR and UNDP, together with the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence,[1] co-organized a regional consultation on transitional justice, which helped to raise awareness among stakeholders of international principles and standards. The drafting or revision of transitional justice laws was also supported in Tunisia and Libya. In Yemen, UNDP supported the Commission to Consider and Address Land Issues and the Commission on Forcibly Dismissed Employees, established in January 2013 with a view to strengthening public trust in justice institutions through the delivery of timely remedies to victims.

66. Genuine and inclusive participation in the design of transitional justice mechanisms ensures that they not only respond to the needs and expectations of victims, but provide transformative change for sustainable transitions to peace and reconciliation. In Guinea, OHCHR supported the Co-Chairs of the Provisional National Reconciliation Commission, national authorities and civil society to build stronger participation and provided technical assistance for the planning and organization of national consultations. Similarly, in Côte d'Ivoire, UNOCI provided technical assistance to the Dialogue, Truth and Reconciliation Commission for a plan of action on national consultations and for an awareness-raising campaign. UN-Women contributed to the inclusion of women in the consultations on the Amnesty Act in Uganda and in Mali UNDP assisted the Minister of Justice in pursuing criminal justice and truth-seeking mechanisms for the recent violence through a colloquium for national stakeholders.

67. The establishment of the truth about past violations is seen not only as a necessary step to allow a community to move forward, but also as a means of reparation for victims. For many, the acknowledgement of the harm suffered is as important as, or sometimes even more important than, economic compensation. In October 2012, the Nepal conflict report was released, which documents and analyses serious violations of international law that occurred during the 1996-2006 conflict, along with a database of around 30,000 documents. Truth-seeking mechanisms were also supported in Colombia, where the National Centre for Historical Memory has received support from UNDP and OHCHR and in Liberia, where UNMIL provided technical and financial support to assist the Independent National Commission on Human Rights in the implementation of the recommendations of the Truth and Reconciliation Commission.

68. Accountability for serious violations of human rights and international humanitarian law is an essential component of transitional justice. In Timor-Leste, the Prosecutor was supported in completing the investigations of 80 per cent of the incidents identified by the Independent Special Commission of Inquiry. In Côte d'Ivoire, OHCHR provided the National Commission of Inquiry with information

[1] The first Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence was appointed in May 2012. In his first report to the General Assembly (A/67/368), he highlighted the ways in which the promotion of truth, justice, reparation and guarantees of non-recurrence contributes to strengthening the rule of law.

gathered by United Nations mechanisms and technical support and training to national judicial institutions, leading to the first two national trials for crimes committed during the post-electoral crisis. OHCHR supported the development of effective protection mechanisms for victims and witnesses in Burundi, Côte d'Ivoire, Uganda and Kosovo,[2] while UNDP assisted victims and witness programmes in Bosnia and Herzegovina, Colombia, Guatemala and Nepal.

69. The United Nations continues to emphasize the importance of providing redress and assistance to victims in conflict, post-conflict and other crisis situations. In the Democratic Republic of the Congo, MONUSCO supported consultations and workshops to increase the knowledge of effective redress among victims' associations. In Colombia, OHCHR supported protective measures for persons involved in land restitution processes and UNDP provided assistance to 33,219 relatives of victims of enforced disappearance. The formal recognition of a victim's status is often an obstacle to accessing reparations and assistance. In Peru, UN-Women supported indigenous women in obtaining recognition as survivors of the Shining Path armed conflict through registration in the National Reparations System, which gives them access to health care and other services.

E. Rule of law and sustainable development

70. The Declaration of the high-level meeting of the General Assembly on the rule of law at the national and international levels highlighted the interrelationship and mutually reinforcing nature of the rule of law and development. It recognized the importance of fair, stable and predictable legal frameworks for generating inclusive, sustainable and equitable development, economic growth and employment, generating investment and facilitating entrepreneurship. The Declaration called for consideration of the relationship between the rule of law and development in the international development agenda beyond 2015. In its report on the work of its forty-fifth session, UNCITRAL recommended some practical steps in promoting the rule of law in the economic field with a focus on local needs in commercial law reforms (A/67/17, paras. 221-222).

71. The protection of the environment is one of the most pressing demands of our time. The concept of sustainable development incorporates the notion of environmental sustainability and protection, which cannot be achieved without a strong system based on human rights and the rule of law. The importance of environmental law was reaffirmed in the processes of the United Nations Conference on Sustainable Development and it was recognized that the rule of law should be an important consideration in the development of the sustainable development goals. The implementation of environmental legal frameworks requires increased efforts, in particular with regard to the capacity of tribunals, enforcement agencies, auditing institutions and other stakeholders to implement environmental law, to address emerging issues such as environmental crime and to develop the linkages between human rights and the environment.[3]

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[2] References to Kosovo shall be understood to be in the context of Security Council resolution 1244 (1999).

[3] See "Human rights and the environment. Rio + 20: joint report OHCHR and UNEP", available from www.unep.org/delc/Portals/119/JointReportOHCHRandUNEPonHumanRightsandtheEnvironment.pdf.

72. In 2012, UNEP organized the World Congress of Chief Justices, Attorneys General and Auditors General on environmental sustainability and related questions of justice, governance and the rule of law. The outcome document calls for strengthened international institutions to protect the global environment and affirmed the role of law as an indispensable tool for sustainable development and greener economies.[4] The Congress also adopted a set of guiding principles for the advancement of justice, governance and law for environmental sustainability The United Nations also assisted rule of law activities relating to the environment at the national level. For example, UNDP supported the Supreme Court of the Philippines to ensure accountability for effective resource management, enforce environmental laws and promote public awareness.

IV. Overall coordination and coherence

A. Strengthening of coordination at Headquarters

73. The arrangements of the United Nations to ensure the coordination and coherence of strategies and activities relating to the rule of law were the subject of extensive reviews. The result was the creation of a new three-tier system to strengthen the ability of the Organization to deliver its rule of law activities at the field level, at the level of Headquarters operational support and at the strategic level. At the field level, the authority of the United Nations field leadership has been enhanced. They have been made responsible and accountable for guiding and overseeing United Nations rule of law strategies, resolving political obstacles and coordinating United Nations country support on the rule of law. At the same time, whilst responsibility for programme implementation is left firmly in the hands of the different United Nations entities to maximize comparative advantage, country teams are also required to cooperate with the senior field leadership in this new role.

74. At the Headquarters level, the Department of Peacekeeping Operations and UNDP have been designated as the joint global focal point for the police, justice and corrections in the rule of law in post-conflict and other crisis situations. Through this arrangement, the Department and UNDP are jointly responsible for responding to country-level requests with timely and quality assistance on police, justice and corrections matters in terms of global knowledge, people and advice on assessments, planning, funding and partnerships. The global focal point is also responsible for convening all relevant United Nations entities with capacities in the rule of law to address country-level requests of system-wide relevance. The Department and UNDP have been working closely together and with other United Nations partners in a number of countries, including Côte d'Ivoire, the Democratic Republic of the Congo, Haiti, Libya, Mali and Somalia. The global focal point is driven by a common vision and a field focus on improving United Nations support to crisis countries. Working collaboratively from the early planning phase onwards will help leverage resources, draw on external assets and avoid duplication of effort. OHCHR and UN-Women are also co-locating staff to facilitate better coordination and coherence.

[4] Available from www.unep.org/environmentalgovernance/Portals/8/documents/Advancing%20Justice,%20Governance%20and%20Law%20(WV).pdf.

75. At the strategic level, the Rule of Law Coordination and Resource Group, chaired by the Deputy Secretary-General, has been given the overall leadership role for the rule of law. It will ensure that the United Nations is able to foresee new opportunities, address new challenges and develop linkages with a broad range of stakeholders. The revised terms of reference of the Group reflect new realities and actors in the rule of law, a more strategic approach to policy and external relations and a flexible approach to coordination. In March 2013, the Executive Heads of the entities of the Rule of Law Coordination and Resource Group held a retreat to set the vision and priorities for the rule of law in the work of the Organization.

B. Strategic and joint engagement at the country level

76. Since its official designation, the global focal point has undertaken joint assessment and planning missions to Afghanistan, Haiti, Libya and Somalia. A team also travelled to Nairobi to aid the United Nations work in Somalia, providing support to the development of the United Nations rule of law strategy, as part of the ongoing strategic review and technical assessment mission in Somalia led by the Department of Political Affairs. This was followed by a joint engagement in the mission planning process and the establishment of a new United Nations Assistance Mission in Somalia (UNSOM), launched in June 2013. In April 2013, a joint team consisting of representatives of the Department of Peacekeeping Operations, UNDP and OHCHR, undertook a mission to Haiti to provide support to developing a United Nations guidance document on the rule of law and draft the global focal point country support plan. The global focal point is finalizing country support plans to address requests received from the United Nations in Côte d'Ivoire, Haiti, Liberia and Libya. At the request of UNMIL, UNOCI, MONUSCO and the UNDP offices, the global focal point has facilitated the deployment of specialized expertise. The global focal point will benefit from the contributions of Member States in the form of experts, support from think tanks and other academic institutions and close cooperation with other multilateral actors, such as the World Bank and the European Union.

77. Inter-agency cooperation and joint initiatives contribute to a better use of resources and increased coherence and effectiveness of United Nations assistance at the country level. Examples of joint initiatives cover a wide range of countries and areas. For example, UNICEF and ILO continue to work closely to eliminate child labour and have supported alliances with the public and private sectors to this end in seven countries. UNCITRAL and UNODC have coordinated efforts to implement the United Nations Convention against Corruption regarding public procurement, which included advising the Governments of India and Mexico on reforms to their legal and regulatory frameworks for public procurement. UNODC, UNDP, the United Nations Educational, Scientific and Cultural Organization, UNFPA, UNICEF and UN-Women have partnered in Guatemala for the implementation of a project to support criminal investigations into human trafficking.

C. Expansion of partnerships

78. The strengthening of the rule of law requires the active involvement of public and private entities, as well as integrated and multidisciplinary approaches. The

Organization continues to be committed to the establishment and furtherance of meaningful partnerships with a wide variety of stakeholders.

79. The United Nations engages with civil society in a variety of ways. The United Nations Democracy Fund, for example, provides direct support by financing projects. For 2013, the Fund received 3,014 project proposals from civil society organizations in 133 countries. It devoted half its total funding for the year to projects in the field of rule of law. These ranged from supporting constitutional watchdogs to building capacity for effective use of freedom of information legislation; and from developing public defender facilities and access to justice to defending the rights of minorities.

80. Other examples of partnerships include the in-country work of the team of experts on the rule of law/sexual violence, which draws on the capacities, expertise and knowledge of national Governments and civil society organizations in the countries it seeks to assist, while complementing the work of the United Nations on the ground and building on the efforts of Governments to ensure ownership and sustainability.

81. Partnership with the World Bank also continues to be highly valued by the Organization. The World Bank has been invited to take part in the discussions of the Rule of Law Coordination and Resource Group and has been engaged in looking at how the Bank and the Organization can work more closely together in supporting countries affected by conflict.

D. Strengthening of the rule of law in the Organization

82. The internal system of administration of justice is an essential component for the observance of the rule of law within the Organization and for its staff members. As at 30 July 2013, the United Nations Dispute Tribunal had issued 838 judgments, while the United Nations Appeals Tribunals had issued 323.

V. The way forward

83. The Declaration adopted at the high-level meeting of the General Assembly on the rule of law at the national and international levels requested the Secretary-General to propose ways and means of developing, with wide stakeholder participation, the linkages between the rule of law and each of the three main pillars of the United Nations: peace and security, human rights and development.

84. To respond to this request, a process of consultations is under way to engage as wide a set of stakeholders as possible. These consultations began with the engagement of eminent thinkers in the area to contribute a series of articles developing their reflections on the rule of law. These will serve to spark further discussions and consultations with Member States, civil society, business and academia. As the consultations are still continuing, the results will be reported to the General Assembly as an addendum to the current report.